

Opportunities to change the residence title and the purpose of stay in Germany: Focus-Study by the German National Contact Point for the European Migration Network (EMN)

Grote, Janne; Vollmer, Michael

Veröffentlichungsversion / Published Version
Arbeitspapier / working paper

Empfohlene Zitierung / Suggested Citation:

Grote, J., & Vollmer, M. (2016). *Opportunities to change the residence title and the purpose of stay in Germany: Focus-Study by the German National Contact Point for the European Migration Network (EMN)*. (Working Paper / Bundesamt für Migration und Flüchtlinge (BAMF) Forschungszentrum Migration, Integration und Asyl (FZ), 67). Nürnberg: Bundesamt für Migration und Flüchtlinge (BAMF) Forschungszentrum Migration, Integration und Asyl (FZ); Bundesamt für Migration und Flüchtlinge (BAMF) Nationale Kontaktstelle für das Europäische Migrationsnetzwerk (EMN). <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-67697-3>

Nutzungsbedingungen:

Dieser Text wird unter einer Deposit-Lizenz (Keine Weiterverbreitung - keine Bearbeitung) zur Verfügung gestellt. Gewährt wird ein nicht exklusives, nicht übertragbares, persönliches und beschränktes Recht auf Nutzung dieses Dokuments. Dieses Dokument ist ausschließlich für den persönlichen, nicht-kommerziellen Gebrauch bestimmt. Auf sämtlichen Kopien dieses Dokuments müssen alle Urheberrechtshinweise und sonstigen Hinweise auf gesetzlichen Schutz beibehalten werden. Sie dürfen dieses Dokument nicht in irgendeiner Weise abändern, noch dürfen Sie dieses Dokument für öffentliche oder kommerzielle Zwecke vervielfältigen, öffentlich ausstellen, aufführen, vertreiben oder anderweitig nutzen.

Mit der Verwendung dieses Dokuments erkennen Sie die Nutzungsbedingungen an.

Terms of use:

This document is made available under Deposit Licence (No Redistribution - no modifications). We grant a non-exclusive, non-transferable, individual and limited right to using this document. This document is solely intended for your personal, non-commercial use. All of the copies of this documents must retain all copyright information and other information regarding legal protection. You are not allowed to alter this document in any way, to copy it for public or commercial purposes, to exhibit the document in public, to perform, distribute or otherwise use the document in public.

By using this particular document, you accept the above-stated conditions of use.



Federal Office
for Migration
and Refugees



Opportunities to change the residence title and the purpose of stay in Germany

Focus-Study by the German National Contact Point for the
European Migration Network (EMN)

Working Paper 67 | Janne Grote, Michael Vollmer



Co-financed by the
European Union



Opportunities to change the residence title and the purpose of stay in Germany

Focus-Study by the German National Contact Point for the
European Migration Network (EMN)

Janne Grote
Michael Vollmer

Federal Office for Migration and Refugees 2016

Summary

Third-country nationals usually need a residence title if they want to stay in Germany for a longer period of time. The issuance of a specific residence title and the rights and conditions attached to it depend on the purpose of the migrant's stay. If the purpose of stay changes, the authorities will need to examine whether the residence title is still valid or can be extended, whether another type of residence title might be more appropriate or whether the rights and conditions linked to the residence title need to be changed due to the new purpose of stay. Changes of residence status may also be possible if the person in question has held a residence title for several years and meets certain other criteria to receive another one. Strictly speaking, this is not a "status change" (*Spurwechsel*) in the narrow sense of the term, but rather a consolidation of the immigrant's right to stay in Germany. In German public debates the term "status change" has often been taken on the matter of change from an asylum status or the status of rejected asylum seekers whose deportation has been suspended to a regular residence status. In the following, the term is used in a broader sense, which means that also other changes of the residence status or the purpose of stay are simply called "status change" to illustrate the flexibility of the Right of Residence.

Residence title and purpose of stay

German law distinguishes between five different residence titles for different purposes of stay. They are granted if applicants meet certain general and/or purpose-related criteria. The five types of residence titles are as follows: a *visa*, a *residence permit*, a *settlement permit*, an *EU long-term residence permit* and an *EU Blue Card*. Applicants must meet certain general and specific requirements to be granted a residence title. The purposes of stay, which determine which type of residence title is granted, usually fall into one of the following four categories: *family reasons* (e.g. marriage, children joining their parents or parents joining their minor children, family members joining other family members), *education or study* (e.g. school attendance, professional qualification or university studies), *remunerated activities* (e.g. highly qualified, temporary or other employment, self-employment, research activities or intra-company transfers) or reasons of *international law or humanitarian and/or political reasons* (e.g. asylum, subsidiary protection, protection against removal or temporary suspension of deportation).

Legal conditions for a change of status

The legal conditions for granting a specific residence title depend on the title which is to be granted, not so much on the title which is to be exchanged for another one. If the conditions for the issuance of a specific residence title are met, a change of status is usually possible, even from within Germany (i.e. without leaving the country). However, there are some general restrictions on changes of status. For example, third-country nationals who are doing a course of study or professional training, asylum applicants currently undergoing an asylum procedure, rejected asylum seekers and Schengen visa holders can change their residence status only in exceptional cases. Moreover, it is impossible to switch into a new residence title for the purpose of remunerated activities if the current residence title already permits its holder to work. None of these restrictions affect the basic right to asylum, however.

Granted residence titles and extent of status changes

In 2014, about 780,000 third-country nationals were issued with residence permits, EU Blue Cards or settlement permits. Out of this total, about 180,000 (22.9 %) entered Germany in 2014. This means that the vast majority was already living in the federal territory. Most applicants wanted to switch from a residence title issued for study purposes to a residence or settlement permit for remunerated activities, an EU Blue Card or a residence permit for family reasons. Switches from a residence title granted for work purposes to an EU Blue Card or to a settlement permit for graduates of German universities were the second large group.

Current trends and developments

Under the Act on Amendments to the Right to Stay and the Termination of Stay, which entered into force on 1 August 2015, it has become easier for persons whose deportation has been suspended in general and well integrated adolescents in particular to obtain a residence title (Section 25a of the Residence Act). In addition, victims of human trafficking can more easily obtain a residence permit. In the years before, legal amendments had made it easier for highly qualified immigrants in particular to obtain a residence title or a change in status. The focus of the current public, political and academic discussion is on changes of status and easier labour market access for asylum seekers. At the time of writing, the outcome or potential legal amendments are not yet clear.

Content

Summary	5
1 Introduction.....	9
2 Legal framework for obtaining a residence title	10
2.1 Residence titles and basic requirements	12
2.1.1 Schengen and national visas	12
2.1.2 Residence permit.....	13
2.1.3 Settlement permit and EU long-term residence permit	13
2.1.4 EU Blue Card.....	14
2.1.5 Number of granted residence titles in 2014	15
2.2 Prerequisites for obtaining residence titles (by purpose of stay)	15
2.2.1 Residence for family reasons	15
2.2.2 Residence for educational purposes	17
2.2.3 Residence for remunerated activities	18
2.2.4 Residence according to international law and for humanitarian and political reasons	20
2.2.5 Granted residence titles in 2014 (by purpose of stay).....	23
3 Legal framework for changing residence titles and purposes of stay	24
3.1 Legal opportunities to change the residence title and the purpose of stay (overview)	25
3.2 Enhanced or reduced rights when changing the status	34
3.3 Administrative practice in the handling of first time applications and status changes	68
3.3.1 Online application for residence titles	68
3.3.2 Processing and decision-making times	68
3.3.3 Fees for the issuing of residence titles	69
3.3.4 Requirements for documentary evidence.....	69
3.3.5 Conditions for receiving social benefits.....	69
3.3.6 Length of stay by residence title and purpose of stay	71

3.3.7	Extension of the period of stay by requesting a status change	74
3.4	Information offers concerning the possibilities to change the status.....	75
4	Goals of enabling or restricting status changes	76
4.1	Political debates and declared goals	76
4.2	Scientific studies on status changes.....	78
5	Conclusion	79
6	Appendix	81
7	Bibliography.....	87
	List of abbreviations.....	90
	List of tables.....	91

1 Introduction

In principle, migrants to Germany need permission to enter the country and stay in the federal territory. This permission is granted in the form of a residence title. There are different types of residence titles: a *visa*, a *residence permit*, a *settlement permit*, an *EU long-term residence permit* and an *EU Blue Card*. Under the Act on the General Freedom of Movement for EU Citizens (FreizügG/EU), citizens of the European Union and their family members as well as citizens of a country belonging to the European Economic Area (EEA countries)¹ and their family members are exempt from the conditions set out in the Residence Act (AufenthG) and from the obligation of holding a residence title for a longer-term stay (Section 2 subs. 4, first sentence of the Act on the General Freedom of Movement for EU Citizens). However, this provision does not apply to family members who are not EU citizens; they need a visa to enter Germany (Section 2 subs. 4, second sentence of the Act on the General Freedom of Movement for EU Citizens). Swiss citizens shall be granted a residence permit ex officio (Section 28 of the Ordinance Governing Residence). In addition, certain groups of persons or professionals from third countries may be exempt from the obligation to hold a residence title, even if they are third-country nationals who would otherwise be required to hold a visa or residence title. The same applies to nationals of certain countries if they do not stay in Germany for more than three months and/or not for the purpose of an economic activity.²

Third-country nationals who need a residence title for a long-term stay in Germany may find it necessary and/or desirable to change their residence status without having to leave Germany for several reasons. For example, the issuance of a residence title and the rights and conditions attached to it depend on the purpose of stay. If the purpose of stay changes, the authorities will need to examine whether the residence title is still valid and can be extended, whether another residence title might be more appropriate and whether the rights and conditions linked to the title need to be adjusted due to the new purpose of stay. This may affect the period of time for which the residence title is issued, the right to take up an economic activity or to touch social security benefits (see Chapter 3). Changes of residence status may also be possible if a migrant has held another residence title for several years and meets certain other criteria. The new residence title may make life easier for its holder. For example, the third-country nationals may be permitted to stay permanently in Germany or to work anywhere in the federal territory without any restrictions. Strictly speaking, this is often not considered as a “status change” (Spurwechsel) in the narrow sense of the term, but rather as a consolidation of the right to stay, which is granted under a different residence title. While this study focuses on changes of status, it will also discuss opportunities and conditions for a consolidation of stay if this goes along with a new residence title. In public debates the term “status change” has often been taken on the matter of change from an asylum status or the status of rejected asylum seekers whose deportation has been suspended to a regular residence status. In the following, the term is used in a broader sense to illustrate the flexibility of the right of stay, which means that also other changes of the residence status or the purpose of stay are called “status change”. The report explains both the conditions for the issuance of specific residence titles for specific purposes and the opportunities of a change of status, including the related rights and conditions. It will focus on the following questions in particular:

- Which changes of residence titles and purposes of stay are permitted, and what are their effects on social and political rights and on the access to the labour market or to education opportunities?
- What motivated lawmakers and other stakeholders to make certain changes of status possible, and what were the arguments for doing so?

Conditions and restrictions on a change of status usually depend on the new residence titles and purposes. Chapter 2 will therefore give an overview of the prerequisites for the issuance of the different residence titles by residence purposes. Chapter 3 describes the

¹ In addition to the EU Member States, Iceland, Liechtenstein and Norway belong to the EEA.

² The exemptions are set out in Sections 3 – 42 of the Residence Act (Entry into and residence in the federal territory), the related provisions of the General Administrative Regulation on the Residence Act (AVwVAufenthG), Sections 15 – 30 of the Ordinance Governing Residence (AufenthV) and Annex II to the Council Regulation (EC) No. 539/2001 of 15 March 2001 for a list of third countries whose nationals are required to possess a visa when crossing the external borders of the Member States and a list of third countries whose nationals are exempt from the visa requirement (OJ no. L81 p. 1).

different ways for switching between residence titles and purposes which do not require holders to leave Germany. It explains the legal basis and prerequisites of the possible changes of status and shows whether applicants for a change of status need to meet different criteria than first-time applicants for a residence title (Chapter 3.1). In addition, Chapter 3.2 compares the benefits and rights which may be attached to a change of status (for example the right to pursue an economic activity, to touch social security benefits or to get access to education, time limits concerning the validity of a residence title and potential restrictions of the freedom of movement). Chapter 3.3 gives an overview of whether legal prerequisites, administrative practices and entitlements are different for first-time applicants or status changers. Chapter 4 summarises recent discussions concerning opportunities of a change of status for certain groups of persons (for example the issuance of residence permits to persons whose deportation has been suspended, to graduates after their graduation, to victims of human trafficking and to (highly) qualified third-country nationals).

The Appendix contains statistical data on selected changes of status. These data have been taken from the Central Register of Foreigners, the statistical office of the European Union (Eurostat) and the Migration Monitoring of the Federal Office for Migration and Refugees (BAMF).

This focus study was drawn up in the framework of the European Migration Network (EMN).³ Just like its counterparts drafted by the other participating EU Member States and Norway, it adheres to uniform specifications and a pre-determined structure and will be included in a comparative synthesis report, which will also take account of the studies prepared by the other national EMN Contact Points.

2 Legal framework for obtaining a residence title

In principle, migrants who want to stay for a longer period of time in Germany must enter the country with a visa, which gives the purpose of the stay. This means that, in order to switch from the current residence title into a new one, migrants usually need to leave the country, return to their country of origin and apply for a new visa with a new purpose of stay in order to re-enter Germany. However, German law recognises some exemptions, which enable migrants to change their residence title and/or purpose of stay without the obligation to leave Germany. For example, Section 5 subs. 2 of the Residence Act says that the procedure of leaving and re-entering Germany may be waived “if the prerequisites qualifying a foreigner for the granting of a residence title are met or if special circumstances relating to the individual case concerned render a subsequent visa application procedure unreasonable”. This means that changes of status are basically permitted by law.

If the period of stay is not limited right from the beginning (e.g. seasonal labour), the law assumes a linear sequence of purpose-related stays. That means that a temporary residence title (for example for employment purposes) is initially extended once the initial residence title expires and is ultimately replaced by a permanent residence title without a specific purpose (provided that the necessary prerequisites are met), such as a settlement permit and/or an EU long-term residence permit. Against this background, “status change” (Spurwechsel) in the narrow sense of the term deviate from the ideal linear procedure assumed by the law. Nevertheless, they are quite common in Germany.

This applies in particular to numerous types of family reunification, for example if a residence title which is initially linked to the residence permit of a family member – for example in case a family member joins a German or foreign national in Germany (Sections 28 – 30 of the Residence Act) – grants its holder an independent right of residence, for example because of the termination of marriage or civil partnership (Section 31 of the Residence Act). In reverse, holders of any other residence title can exchange this title for a title for the purpose of family reunification, provided that the necessary prerequisites are met.

³ We would like to thank Merve Kania for her research efforts in the framework of her internship at the BAMF research centre.

There are also humanitarian reasons for allowing foreigners to change their residence status. For example, people who are required to leave Germany, but have integrated themselves into German society may change their status in order to lawfully reside in Germany. The regulations concerning the right to stay for governing old cases, which were initially adopted by the Conference of the Federal Länder Ministers of the Interior (Sections 104a and 104b of the Residence Act) were recently replaced by a right to stay which is no longer based on the third-country national's residing in Germany at a reference date (Sections 25a and 25b of the Residence Act). Third-country nationals whose deportation has been suspended and who are not responsible for the obstacle to deportation may be granted a residence title pursuant to Section 25 subs. 5 of the Residence Act. This provision aims to prevent repeated suspensions of deportation. Moreover, Section 18a of the Residence Act introduced a residence title which enables qualified migrants whose deportation has been suspended, to work in Germany.

Generally speaking, the economic aspects of migration have been in the focus in the last few years. This has led to numerous amendments to the law, for example for students or apprentices. While opportunities for a change of status during a university course of study (or, indeed, a change of the course of study) are still very limited, successful graduates have the option of a long-term or even permanent right to stay. Pursuant to Section 16 subs. 4 of the Residence Act, graduates may stay in Germany for up to 18 months in order to seek a job commensurate with their qualification. If they are successful, they may apply for a residence title for remunerated activity reasons (for example titles issued pursuant to Sections 18 or 19a of the Residence Act). Similar provisions apply to third-country nationals who are undergoing or have undergone vocational training pursuant to Section 17 of the Residence Act. After the successful completion of their training they may remain in Germany for up to 12 months for the purpose of seeking a job commensurate with their qualification and, if they are successful, apply for a residence title for remunerated activities reasons. Section 18c of the Residence Act, which was recently included, permits third-country nationals to enter Germany for the purpose of seeking a job and to apply for a residence title for remunerated activities reasons (for example pursuant to Sections 18 or 19a of the Residence Act). If a third-country national, who is resident in Germany for remunerated activities reasons, loses his or her job, he or she may switch into a residence title pursuant to Section 18c of the Residence Act, which will entitle him or her to stay in Germany for as long as he or she may touch unemployment benefits I pursuant to the Social Code Book III and to apply again for a residence title for employment purposes once his or her search for a job was successful.

Thus, changes in status follow their own systematic in Germany, which nevertheless takes into account changes in an applicant's personal situation. For example, students from third countries may marry without the obligation to change their residence title. This is why status changes which are possible in theory are often not made in practice (or only in exceptional cases): They do not give people real advantages, or new advantages may be offset by the loss of existing advantages. For example, restrictions linked to a residence title granted for remunerated activities reasons (e.g. concerning the type and scope of employment) may be dropped if a residence title for family reasons is applied for; at the same time, however, a person's right to remain in Germany will then depend on the spouse's right to reside in Germany.

Switching into the status of an asylum seeker usually has more serious consequences (see below). In principle, every third-country national who is resident in Germany is entitled to an asylum procedure; the Basic Law (Article 16a) gives every applicant the right to have an asylum application examined. However, such a change of status has consequences for the applicant's right of residence. For example, an exemption from the obligation to hold a visa or any residence title with an overall validity of up to six months (Section 55 sub. 2 of the Asylum Procedure Act) as well as any residence title granted for humanitarian reasons, for example under a resettlement procedure (Section 51 subs. 1 no. 8 of the Residence Act) will be cancelled. A change of status during the asylum procedure is almost impossible; it is limited to cases in which the applicant is entitled to a residence title. This is usually the case if third-country nationals come to Germany for family reunification purposes. There may also be some special cases, which are

in the particular interests of Germany and which require the approval of the top state authority. The asylum procedure follows the usual pattern. If an asylum procedure, which is based on humanitarian considerations, is successful, the residence title will be granted on humanitarian grounds (Part 5 of the Residence Act). If, however, the asylum application is rejected or if the applicant withdraws the application, the third-country national is obliged to leave Germany and can only get a temporary residence permit on the basis of international law, humanitarian grounds or political reasons (Section 10 subs. 3 of the Residence Act). If there are obstacles to return which do not fall into the responsibility of the asylum seeker, he or she may switch to residence for employment purposes, provided he or she has the necessary professional qualifications (Section 18a of the Residence Act). Ultimately, he or she may then apply for a settlement permit or an EU long-term residence permit. Moreover, the responsible foreigners authority may, at its discretion, permit a change of status and grant a residence title (under certain conditions). Practices may vary, depending on the responsible foreigners authority.

Beyond the cases described above, the prerequisites and restrictions on changes of status usually depend on the prerequisites for the newly sought residence titles and their underlying purposes of stay. The prerequisites for the issuance of the specific residence titles are described below in order to show which switches from a given residence title and purpose of stay into another are basically possible.

2.1 Residence titles and basic requirements

German law distinguishes between five different residence titles for different purposes of stay. They are granted if applicants meet certain general and/or purpose-related criteria. The five types of residence titles are as follows: a *visa*, a *residence permit*, a *settlement permit*, an *EU long-term residence permit* and an *EU Blue Card*. The granting of a residence title generally presupposes

- “1. that the foreigner’s subsistence is secure;
- 1 a. that the foreigner’s identity is established, as is his or her nationality, if he or she is not entitled to return to another state,
- 2. no grounds for expulsion apply,
- 3. if the foreigner has no entitlement to a residence title, that the foreigner’s residence does not compromise or jeopardise the interests of the Federal Republic of Germany for any other reason and
- 4. that the passport obligation pursuant to Section 3 is met” (Section 5 subs. 1 of the Residence Act).

The issuance of a residence permit, a settlement permit or an EU long-term residence permit further presupposes that the person in question has entered the country with the necessary visa and has already furnished the key information required for granting the title in the visa application (Section 5 subs. 2 of the Residence Act).

2.1.1 Schengen and national visas

A *visa* is necessary for entry to and a short-term stay in Germany. The law differentiates between *Schengen visas* (“*C visas*”) for short-term stays of up to three months (Section 6 subs. 1f of the Residence Act) and *national visas* (“*D visas*”) for longer stays (Section 6 subs. 3 of the Residence Act). Both types of visa must be applied for and issued before the person in question enters Germany, and for both the basic criteria set out above – secure subsistence, no danger to public order etc – must be met (for more details on the visa application and issuance procedure see Parusel/Schneider 2012: 113). Issuance of a national visa is based on the regulations applying to the other four residence titles for longer-term stays (see Section 6 of the Residence Act). This means that the issuance of a national visa requires, in addition to the general conditions, that the prerequisites for the issuance of the subsequent residence titles must be met, which the person in question needs to apply for after entry in Germany (see no. 6.4.1 of the General Administrative Regulation on the Residence Act). If the third-country national intends to stay in Germany for more than

three months or for the purpose of an economic activity, the issuance of the national visa requires the approval of the foreigners authority at the intended place of residence, except if, “pursuant to the reversal of the requirements set out in Section 31 subs. 1 no. 1 of the Ordinance Governing Residence, the foreigners authorities need not approve the issuance of visas to applicants who want to enter Germany via an EU Blue Card or for the purpose of an economic activity listed on the shortage occupation list of the Federal Employment Agency. This applies if the applicants have not yet been resident in Germany for a significant amount of time” (BMWi 2014: 16). National visas are usually issued for a period of three months, but may be issued with the obligation of visiting the foreigners authority as quickly as possible after having entered Germany (see no. 6.4.2.2 of the General Administrative Regulation on the Residence Act).

2.1.2 Residence permit

The *residence permit* is a temporary residence title which may be issued for different purposes of stay⁴. The time limit depends on the intended purpose of stay (Sec. 7 of the Residence Act).⁵ The initial time limit will not cover the whole length of stay; if necessary, the residence permit will be extended. Residence permits are issued, e.g., for purposes of education, remunerated activities reasons, for reasons of international law, on humanitarian or political grounds, for family reasons or to victims of human trafficking, to former German nationals who intend to return to Germany or to third-country nationals who hold a permanent residence title issued by another member state of the European Union (see BAMF 2015a). The time spent in Germany while holding a residence permit usually forms the basis for the issuance of a permanent residence title (settlement permit or EU long-term residence permit).

2.1.3 Settlement permit and EU long-term residence permit

The *settlement permit* and the *EU long-term residence permit* are permanent residence titles with largely similar prerequisites. However, in contrast to the settlement permit, the EU long-term residence permit gives its holder the right to migrate to another EU Member State and be issued a temporary residence title. Compared to the EU long-term residence permit, the settlement permit has the advantage “that it does not automatically expire pursuant to Section 51 subs. 9, first sentence, no. 5 of the Residence Act if the foreigner acquires a permanent right of residence in another Member State. Moreover, if a foreigner is entitled to both a settlement permit and an EU long-term residence permit, both shall be issued at the same time (BVerwG EZAR NF 24 no. 15)” (Kluth/Heusch 2015: Section 9 of the Residence Act, settlement permit, marginal no. 2). Third-country nationals who have held a residence permit for five years, who can secure their subsistence and that of their family, who hold a work permit, who have paid compulsory or voluntary contributions into the statutory pension scheme for at least 60 months (Section 9 subs. 2, first sentence, no. 3 of the Residence Act), have sufficient command of the German language and possess a basic knowledge of the legal and social system and the way of life in the federal territory⁶, possess sufficient living space for themselves and the members of their family forming part of their household, and who have not been judged for criminal offences, may be issued one of these two residence titles, provided that there are no reasons of public safety or order which forbid the issuance. Some of these conditions may be waived for certain groups of persons or under certain circumstances (see Section 9 subs. 2 and 3 of the Residence Act for the settlement permit). The following periods shall be counted towards the period of possession of a residence permit:

⁴ A list of all potential purposes of stay which enable to obtain a residence or settlement permit is included in the appendix to the Ordinance Governing the Implementation of the Central Register of Foreigners (AZRG-Durchführungsverordnung, AZRG-DV) in tables no. 10 and 11.

⁵ In justified cases, a residence permit may be issued for a purpose of residence which is not covered by law (Section 7 subs. 1, third sentence of the Residence Act).

⁶ Sufficient command of the German language and basic knowledge of the legal and social system and the way of life in the federal territory are deemed to be fulfilled by the successful completion of an integration course (Section 9 subs. 2, second sentence of the Residence Act).

- “1. The duration of former possession of a residence permit or settlement permit, if the foreigner was in possession of a settlement permit at the time of leaving the federal territory, minus the duration of intermediate stays outside of the federal territory which led to expiry of the settlement permit; a maximum of four years shall be taken into account,
2. a maximum of six months for each stay outside of the federal territory which has not led to expiry of the residence permit,
3. half of the period of lawful stay for the purposes of study or vocational training in the federal territory” (Section 9 subs. 4 of the Residence Act).

In deviation of these conditions, third-country nationals may be granted a settlement period under certain other conditions (for example for spouses or for education purposes pursuant to Sec. 9 subs. 3 of the Residence Act) or after a shorter period of time, for example if they are self-employed (pursuant to Sec. 21 subs. 4 of the Residence Act), highly qualified (Sec. 19 subs. 1 of the Residence Act), hold an EU Blue Card (Sec. 19a subs. 6 of the Residence Act), join their German family (Sec. 28 subs. 2 of the Residence Act) or, for foreign spouses, after the termination of marital cohabitation (Sec. 31 subs. 3 of the Residence Act). A minor third-country national who holds a residence permit for family reasons shall be granted a settlement permit if he or she has held a residence permit for five years on reaching the age of 16. The same applies if the third-country national is of age, has been in possession of a residence permit for five years and fulfils several other conditions (Sec. 35 of the Residence Act). The Federal Ministry of the Interior can also issue a settlement permit in order to safeguard the political interests of Germany (Sec. 23 subs. 2 of the Residence Act). Third-country nationals who have been granted a residence permit for reasons of international law or on humanitarian or political grounds may apply for a settlement permit, i.e. permanent residence, after having held a residence permit for five years (Sec. 26 subs. 4 of the Residence Act).

The conditions for an *EU long-term residence permit* (Section 9a of the Residence Act) are set out in Article 2 (b) of the Council Directive 2003/109/EC⁷. They are largely the same as those for a settlement permit, but the restrictions concerning issuance are more severe for certain groups of persons. For example, generally speaking, an EU long-term residence permit may neither be issued to third-country nationals who reside in Germany for purposes of study, vocational training or another temporary purpose (Sec. 9a subs. 3 nos. 4 and 5 of the Residence Act) nor to those holding a residence permit for reasons of international law, humanitarian or political reasons (Sec. 9a subs. 1 no. 1 of the Residence Act). Periods of residence within and outside the federal territory shall be counted towards the necessary periods to be granted an EU long-term residence permit (see Sec. 9b of the Residence Act).

2.1.4 EU Blue Card

The *EU Blue Card* was created by the Highly Qualified Employment Directive (Council Directive 2009/50/EC)⁸, which entered into force in Germany on 1 August 2012 and was implemented by Section 19a of the Residence Act. It is issued to third-country nationals who want to take up an economic activity commensurate with their qualification. One of the prerequisites is that the third-country national holds a recognised and qualified university degree pursuant to Section 19a of the Residence Act and that there is a concrete employment offer or a signed or current employment contract. Unless the job does not require approval by the Federal Employment Agency, the Agency must have given its approval. In addition, the applicant must receive a minimum salary⁹ set by the Federal Ministry for Labour and Social Affairs (Section 19a subs. 1 of the Residence Act). The applicant does not need to prove his or her knowledge of German. The EU Blue Card is initially issued for a maximum of four years.

⁷ Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents. The related implementation law entered into force on 28 August 2007.

⁸ Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.

⁹ In principle, the minimum annual salary is equivalent to two-thirds of the annual earnings ceiling for contributions to the statutory pension scheme (in 2015: EUR 48,400). For shortage occupations of the ISCO-Groups 21, 221 and 25, the minimum salary is equivalent to 52% of the annual earnings ceiling for contributions to the statutory pension scheme (2015: EUR 37,752).

2.1.5 Number of granted residence titles in 2014

The Migration Monitoring of the Federal Office for Migration and Refugees documents the annual residence titles issued to third-country nationals since 2012 on the basis of data from the Central Register of Foreigners. The detailed descriptions focus on residence titles issued for the purposes of education and economic activity.

According to the Migration Monitoring, “598,487 foreigners (+6.2 % in comparison to 2013) were issued with a residence permit or an EU Blue Card (i.e. a temporary residence title) in 2014. 180,894 foreigners (-4.8 %) were granted a settlement permit, i.e. a permanent residence title. Out of this total of 779,381 persons, 22.9% (178,364 foreigners) entered Germany in 2014. 75,805 persons were issued with residence titles for remunerated activities or job search purposes (+5.3 % in comparison to the preceding year)” (Rühl/Schmidt 2015: 5; for changes of residence titles and purposes see Chapter 2.2.5 and the statistical appendix of this report).

2.2 Prerequisites for obtaining residence titles (by purpose of stay)

The purpose of stay determines which residence title is granted. There are four broad categories:

- *Family reasons* (marriage, children joining their parents or parents joining their minor children, family members joining other family members)
- *Education* (school attendance, professional qualification or university studies)
- *Remunerated activities* (highly qualified or other employment, self-employment, seasonal employment, research activities or intra-company transfers) and
- *Reasons of international law, humanitarian and/or political reasons* (asylum, subsidiary protection, protection against removal or temporary suspension of deportation).

Whether an individual can change his or her residence status and which advantages or disadvantages are linked to such a switch depends on the purpose of stay and on the desired residence title. That is why, in order to understand the conditions for a change of status, it makes sense to give an overview of the prerequisites for the issuance of a residence title depending on the purpose of stay. The explanations below focus on the prerequisites of the different residence titles and their durations. At this point, there will not be a systematic description of additional provisions, for example concerning work permits linked to a certain type of residence title, extensions or exemptions. The social and political rights linked to the different residence titles and purposes of stay as well as the rights to access to the labour market or to education programmes are explained below in Chapters 3.2 and 3.3.

As set out in the specifications for this study, there will be no detailed information on the EU long-term residence permit, the residence permit for recognised refugees or persons eligible for subsidiary protection and persons who achieved a change of status by a criminal offence (e.g. by bribery or falsification of documents).

2.2.1 Residence for family reasons

The term “family” usually refers to married couples and their minor children. The legal prerequisites for issuing a residence title for family reasons are set out in Sections 27 – 36 of the Residence Act. Pursuant to the law, a residence permit to enable foreigners to be joined by foreign dependants so that they can live together as a family (subsequent immigration of dependants) shall be granted and extended to protect marriage and the family in accordance with Article 6 of the Basic Law¹⁰ (Section 27 subs. 1 of the Residence

¹⁰ Article 6 of the Basic Law: “(1) Marriage and the family shall enjoy the special protection of the state. (2) The care and upbringing of children is the natural right of parents and a duty primarily incumbent upon them. The state shall watch over them in the performance of this duty. (3) Children may be separated from their families against the will of their parents or guardians only pursuant to a law, and only if the parents or guardians fail in their duties or the children are otherwise in danger of serious neglect. (4) Every mother shall be entitled to the protection and care of the commu-

Act). The issuance of the residence permit for the subsequent immigration of dependants may be refused if the person, who is to be joined by his or her dependants, cannot secure the subsistence of his or her spouse or other family members or members of his or her household (Section 27 subs. 3 of the Residence Act).

The law differentiates between families joining a German or a foreign national in Germany. If family members want to join a German citizen, a foreign spouse, a minor unmarried child and a parent of a minor unmarried German for the purpose of care and custody shall be granted a residence permit, provided that the German citizen ordinarily resides in the federal territory and if certain subsistence conditions are met (see Section 28 subs. 1 of the Residence Act). The residence permit shall be issued for at least one year initially and shall be extended as long as the family unit exists. As a rule, a settlement permit shall be granted after three years, provided that the family unit continues to exist, there are no grounds for expulsion and the foreigner has a sufficient command of the German language (Section 28 subs. 2 of the Residence Act).

If family members want to join a foreigner, the foreigner must possess a settlement permit, an EU long-term residence permit, a residence permit or an EU Blue Card. Moreover, there must be sufficient living space and secure subsistence; however, it is possible to waive these conditions under certain circumstances (see Section 29 subs. 2 and 4 of the Residence Act). The residence permit for the dependant is limited to the period of time for which the residence title of the person already in Germany residing is valid. In addition, it shall be granted for at least one year at first (Section 27 subs. 4 of the Residence Act; for the independent right of residence of spouses see below). If a spouse wants to join a foreigner in Germany, a residence permit shall be granted if

- “1. both spouses are at least 18 years of age,
2. the spouse is able to communicate in the German language at least on a basic level and
3. the foreigner a) possesses a settlement permit, b) possesses an EU long-term residence permit, c) possesses a residence permit pursuant to Section 20 or Section 25 (1) or (2), d) has held a residence permit for two years and the residence permit is not subject to a subsidiary provision pursuant to Section 8 (2) or the subsequent issuance of a settlement permit has not been ruled out by virtue of a rule of law, e) is in possession of a residence permit, if the marriage existed at the time of said permit being granted and the duration of the foreigner’s stay in the federal territory is expected to exceed one year, f) possesses a residence permit pursuant to Section 38a and the marriage already existed in the Member State of the European Union in which the foreigner has the status of a long-term resident, or g) holds an EU Blue Card” (Section 30 subs. 1 of the Residence Act).

There are numerous exemptions from these conditions for certain groups of persons or situations in life, for example for highly qualified immigrants whose marriage already existed at the time when they established their main ordinary residence in Germany or for spouses with a physical, mental or psychological illness or handicap (see Section 30 subs. 1 et seq. of the Residence Act).

Spouses may have an independent right of residence under certain conditions. For example, the residence permit of the spouse shall be extended by one year if, at the time of a divorce, marital cohabitation has existed in the federal territory for at least three years¹¹ or if the foreign partner died while marital cohabitation existed in the federal territory and if the foreigner was in possession of a residence permit, settlement permit or EU long-term residence permit up to this point in time (see Section 31 subs. 1 of the Residence Act). In addition, a right of residence independent of family reunification reasons can be granted if “the spouse’s subsistence is ensured after the termination of marital cohabitation by maintenance payments from the foreigner’s own funds and the foreigner possesses a settlement permit or an EU long-term residence permit” (Section 31 subs. 3 of the Residence Act). In this case, the spouse shall be granted a settlement permit.

Sections 32 – 35 of the Residence Act contain provisions concerning the subsequent immigration of children and the right of residence of children joining their parents or born in Germany and will not be described in detail here. Section 36 subs. 1 of

nity. (5) Children born outside of marriage shall be provided by legislation with the same opportunities for physical and mental development and for their position in society as are enjoyed by those born within marriage.”

¹¹ Under certain conditions, the three-year requirement may be waived (see Section 31 subs. 2 of the Residence Act).

the Residence Act sets out that the parents of a minor foreigner shall be furnished with a residence permit, if no parent possessing the right of care and custody is resident in the federal territory. Other family members outside the core family may be granted a residence permit if this is necessary in order to avoid particular hardship¹² (Section 36 subs. 2 of the Residence Act).

2.2.2 Residence for educational purposes

Stays for the purposes of education fall into different categories: *university studies, language courses, school attendance and other training* (qualified vocational training). For example, a foreigner may be issued with a residence permit for the purpose of studying at a state or state-recognised university or a comparable educational establishment. This also extends to language courses in preparation for studies or attendance of a preparatory course prior to studying. The residence permit requires that the educational establishment has admitted the student¹³, that the student's subsistence is secure and that the student has taken out healthcare insurance. For educational purposes, the subsistence of the student shall be deemed secure if he or she has funds at his or her disposal which are equivalent to the maximum grant under the Federal Training Assistance Act (Bundesausbildungsförderungsgesetz, BAföG). This grant amounted to € 670 as of October 2015 (see Section 13 of the Federal Training Assistance Act and no. 16.0.8 of the General Administrative Regulation on the Residence Act). Proof of knowledge of the language in which the course of studies is to be conducted shall not be required if the migrant's knowledge of the language has already been taken into account in the decision on admission of the educational institute or is to be acquired by means of preparatory measures for the course of study. The residence permit for study purposes shall be granted for at least one year and shall not exceed two years. It may be extended where the purpose of residence has not yet been achieved and is achievable within a reasonable period of time (see Section 16 subs. 1 of the Residence Act). A residence permit may also be issued for the purpose of applying to a course of study; such a residence permit shall be valid for nine months at most (Section 16 subs. 1a of the Residence Act). Moreover, a foreigner may be granted a residence permit allowing him or her to attend language courses which do not serve to prepare him or her for a course of study, to take part in a pupil exchange, and, in exceptional cases, to attend school education (Section 16 subs. 5 of the Residence Act). Where the foreigner is under 18 years of age, the persons entitled to care and custody of the foreigner must consent to the planned stay (Section 16 subs. 7 of the Residence Act).

A *residence permit for the purpose of basic and advanced industrial training* requires approval by the Federal Employment Agency, provided that there are no other provisions for the basic or advanced vocational training or for certain groups of persons (Section 17 subs. 1 of the Residence Act). The Federal Employment Agency may determine the duration and form of occupational activity and restrict the employment to specific plants or regions (see Section 39 of the Residence Act).

Moreover, the Act on Amendments to the Right to Stay and the Termination of Stay entered into force on 1 August 2015. It introduced Section 17a into the Residence Act, which provides another purpose for which a residence permit can be obtained. Now, third-country nationals can be granted a residence permit for up to 18 months *for the recognition of a vocational qualification acquired abroad* "for training measures and a subsequent examination if an agency which, according to regulations by the federal or a state government is responsible for the recognition of vocational qualifications, determines that additional training or qualifications are needed to determine that the vocational qualification is equivalent to a domestic qualification or to grant approval for exercising the profession or carrying the professional title in case of a domestic regulated profession" (Section 17a subs. 1, third sentence of the Residence Act). In case of an occupational training measure the approval of the Federal Employment Agency may be necessary to issue a residence permit (Section 9 subs. 2 and 3 of the Employment Ordinance).

¹² Particular hardship applies, for example, if grandchildren join their grandparents because the grandchildren are orphans or because the parents cannot care for their children. In such cases, a residence permit is granted in order to protect the children's well-being (see nos. 36.2.1.4.1 and 36.2.2 of the General Administrative Regulation on the Residence Act).

¹³ A conditional admission is sufficient.

2.2.3 Residence for remunerated activities

Residence for the purpose of remunerated activities is a catch-all category. It covers *research* (Section 20 of the Residence Act), *highly qualified employment* (Sections 18b, 19 of the Residence Act), residence for highly qualified workers seeking employment (Section 18c of the Residence Act), *other employment* (Sections 18 and 18a¹⁴ of the Residence Act), *the EU Blue Card* (Section 19a of the Residence Act), *self-employment* (Section 21 of the Residence Act) and numerous special regulations for specific groups of persons such as *seasonal employees* (Section 15a of the Employment Ordinance) or *intra-corporate transferees* (Section 10 of the Employment Ordinance).

A residence permit for research purposes is granted if an admission agreement with a research establishment recognised by the Federal Office for Migration and Refugees exists, if the research establishment has undertaken in writing to bear the costs accruing to public bodies for up to six months after termination of the admission agreement for the researcher's subsistence during an unlawful stay in a Member State of the European Union and a deportation of the person in question; there are certain waivers from these regulations (see Section 20 subs. 2 and 3 of the Residence Act). If the research project takes at least one year, the residence permit is granted for at least one year.

Residence permits for (highly) qualified employees fall into different categories: the *settlement permit for graduates of German universities* (Section 18b of the Residence Act), the *residence permit for qualified skilled workers seeking employment* (Section 18c of the Residence Act), the *settlement permit for highly qualified foreigners* (Section 19 of the Residence Act) and, in a broader sense, the *EU Blue Card* (see above for the different types of residence titles). For example, *foreign graduates of German universities* may be granted a settlement permit if they have successfully completed their studies at a state or state-recognised university or a comparable educational establishment in the federal territory, if they have held another residence title for two years (pursuant to Sections 18, 18a, 19a or 21 of the Residence Act), if they have a job commensurate with their degree, if they have paid compulsory or voluntary contributions into the statutory pension scheme for at least 24 months, if their subsistence is secure and if they have sufficient living space, if there are no reasons of public security or order against the issuance and if they have sufficient command of the German language and possess a basic knowledge of the legal and social system and the way of life in the federal territory (Section 18b in conjunction with Section 9 subs. 2, first sentence, no. 2 and 4 et seq. of the Residence Act). Highly qualified third country nationals (such as specialist academics, teaching or scientific personnel in prominent positions) can also be granted a settlement permit in special cases if "integration into the way of life which prevails in the Federal Republic of Germany and the foreigner's subsistence without state assistance are assured" (Section 19 of the Residence Act). This usually does not require approval by the Federal Employment Agency (see Section 2 subs. 1 of the Employment Ordinance in conjunction with Sections 19 and 19a of the Residence Act). Moreover, a residence title may only be granted "if a concrete job offer exists and if any legally prescribed professional licence has been granted or promised" (Section 18 subs. 5 in conjunction with Sections 19 and 19a of the Residence Act). Strictly speaking, the issuance of a permanent settlement permit after the third-country national has held a temporary residence title for a certain period of time is not a change of status, but a consolidation of the right of residence.

Admission to other types of employment shall be "geared to the requirements of the German economy, according due consideration to the labour market situation and the need to combat unemployment effectively" (Section 18 subs. 1 of the Residence Act). In principle, a concrete job offer and the approval of the Federal Employment Agency are necessary, provided that the employment is not exempt from the approval. If the employment does *not require a vocational qualification* a residence permit may be granted only by virtue of an inter-governmental agreement or a statutory instrument from the Federal Ministry for Labour and

¹⁴ Section 18a of the Residence Act sets out the conditions for granting a residence permit for the purpose of employment to qualified persons whose deportation has been suspended. This also applies to highly qualified persons whose deportation has been suspended who have obtained a university degree in Germany or abroad and are therefore, strictly speaking, highly qualified employees. It is therefore not possible to distinguish clearly between these two categories.

Social Affairs (Section 18 subs. 3 in conjunction with Section 42 of the Residence Act). A residence title for the purpose of taking up employment which requires a vocational qualification may only be issued for employment in a specific occupational group which has been approved by the Federal Ministry for Labour and Social Affairs (BMAS) with the consent of the German Bundesrat (Section 18 subs. 4 sentence 1 of the Residence Act). “In justified individual cases, a residence permit may be issued for the purpose of taking up employment when there is a public interest, and in particular a regional interest or an interest relating to the economy or the labour market” (Section 18 subs. 4 sentence 2 of the Residence Act).

The law explicitly promotes a change of status in the following case: *Qualified third country nationals whose deportation has been suspended* may be issued a residence permit for the purpose of remunerated activities if the employment is commensurate with the foreigner’s vocational qualification, the Federal Employment Agency has granted approval and the person in question has,

1. in the federal territory
 - “a) completed a vocational qualification in a state-recognised or similarly regulated occupation which requires formal training or a course of study at a higher education establishment, or
 - b) held a position of employment continuously for two years with a foreign higher education qualification which is recognised or otherwise comparable to a German higher education qualification and which is appropriate to that employment, or
 - c) held a position of employment as a skilled worker continuously for three years which requires a vocational qualification and has not been reliant on public funds for his or her livelihood and that of his or her dependants or other members of his or her household within the year preceding the application for the residence permit except for payments to cover the necessary costs for accommodation and heating, and
2. has sufficient living space at his or her disposal,
3. has sufficient command of the German language,
4. has not wilfully deceived the foreigners authority as to circumstances of relevance to his or her situation under residence law,
5. has not wilfully delayed or obstructed official measures to end his or her residence,
6. does not have any links to extremist or terrorist organisations and does not support such organisations and
7. has not been convicted of an offence wilfully committed in the federal territory; fines totalling up to 50 daily rates or up to 90 daily rates in the case of offences which, in accordance with the Residence Act or the Asylum Procedure Act, can only be committed by foreigners shall be ignored as a general principle” (Section 18a subs. 1, first sentence of the Residence Act).

A residence permit can also be granted for the purpose of *self-employment* if

- “1. an economic interest or a regional need applies,
2. the activity is expected to have positive effects on the economy and
3. personal capital on the part of the foreigner or a loan undertaking is available to realise the business idea” (Section 21 subs. 1 of the Residence Act).

Assessment of these prerequisites shall focus on

“the viability of the underlying business idea, the foreigner’s entrepreneurial experience, the level of capital investment, the effects on the employment and training situation and the contribution towards innovation and research. The competent bodies for the planned business location, the competent trade and industry authorities, the representative bodies for public-sector professional groups and the competent authorities regulating admission to the profession concerned shall be involved in examining the application” (Section 21 subs. 1 of the Residence Act).¹⁵

In derogation of these prerequisites, a third-country national who has successfully completed his studies at a state or state-recognised university or a comparable educational establishment in the federal territory or who holds a residence permit as a re-

¹⁵ Persons aged above 45 also need adequate provision for old age (Section 21 subs. 3 of the Residence Act).

searcher or scientist in line with Sections 18 or 20 may be issued with a residence permit for self-employment. The key criterion for the issuance is that “the envisaged self-employment must demonstrate a connection to the knowledge acquired during the higher education studies or the research or scientific activities” (Section 21 subs. 2a of the Residence Act).

The validity of the residence permit for the purpose of self-employment is limited to a maximum of three years. Afterwards, a settlement permit may be issued, provided the third-country national has successfully carried out the planned activity and adequate income ensures the subsistence of the person in question and the dependants living with him or her as a family unit and whom he or she is required to support (Section 21 subs. 4 of the Residence Act). This provision will not apply if the third-country national aims to exercise a freelance activity (Section 21 subs. 5 of the Residence Act).

Moreover, a residence permit may be issued for the purpose of “temporary employment”. Pursuant to the Ordinance on Employment (BeschV), this applies to the following groups of persons: participants of *international staff exchanges* (Section 10 of the Ordinance on Employment; see below), *language teachers and specialty cooks* (Section 11 of the Ordinance on Employment), *au-pairs* (Section 12 of the Ordinance on Employment), *domestic servants of intra-corporate transferees* (Section 13 of the Ordinance on Employment), *carnie’s assistants* (Section 15b of the Ordinance on Employment), *domestic servants* (Section 15c of the Ordinance on Employment) and *seasonal workers* (Section 15a of the Ordinance on Employment). The following section will focus on participants of international staff exchanges and seasonal workers. The latter may be issued with a residence permit “in the agriculture and forestry sector, in the hotel and restaurant sector, in fruit and vegetable processing and in sawmills” for a total of up to six months for employment “if they have obtained their job on the basis of an agreement between the Federal Employment Agency and the labour agency of the country of origin on the administrative procedure and the selection of the workers” (Section 15a of the Ordinance on Employment). Except for fruit, vegetable, wine, hops and tobacco cultivation, companies may employ seasonal workers for eight months per year at most.

Unless otherwise provided for, *intra-corporate transferees* need an employment contract with the foreign company which transfers them to Germany to obtain a residence title. The transferees must enter Germany due to an order by their employer and they must remain employees of the foreign company (see Section 10 of the Ordinance on Employment). The permit may be granted for a maximum of up to three years.

Third-country nationals can also obtain a residence permit for the purpose of seeking employment for up to six months if they have a German or a foreign higher education qualification which is recognised or otherwise comparable to a German higher education qualification (Section 18c subs. 1 of the Residence Act). The residence title cannot be extended beyond this period (Section 18c subs. 2 of the Residence Act). In September 2013, Section 18c subs. 3 of the Residence Act was introduced. It stipulates that third-country nationals who are already resident in the federal territory and have held a residence title for remunerated activities reasons directly before the issuance of a residence permit under Section 18c subs. 1 of the Residence Act may apply for a new job commensurate with their qualification in Germany. This means that it is no longer necessary to apply for this residence title from abroad.

2.2.4 Residence according to international law and for humanitarian and political reasons

Pursuant to Section 25 subs. 1 and 2 of the Residence Act, a residence permit shall be issued if the person in question is subject to political persecution pursuant to Article 16a of the Basic Law and recognised as *being entitled to asylum*, if the person in question has been granted *refugee status* within the meaning of Section 3 subs. 1 of the Asylum Procedure Act or *subsidiary protection status* within the meaning of Section 4 subs. 1 of the Asylum Procedure Act. In case of a *deportation ban* pursuant to Section 60

subs. 5 or 7¹⁶ in conjunction with Section 25 subs. 3 of the Residence Act a residence permit shall be granted as well. In such cases, a residence permit is issued even if the person in question does not hold a passport. Secure subsistence without recourse to social security benefits is not required either. If deportation is prohibited, several exemptions provide for cases in which no residence permit is granted, for example serious grounds relating to public safety or law and order (see, for example, Section 25, subs. 3, second sentence of the Residence Act). The residence permit for third-country nationals entitled to asylum and recognised refugees shall be granted for three years at most, for subsidiary protection for one year and in case of a deportation ban for at least one year (Section 25 of the Residence Act; see also BAMF 2014a).

The Residence Act contains separate provisions for the issuance of a residence permit to *victims of human trafficking*, for example. Section 25 subs. 4a of the Residence Act stipulates that victims of human trafficking who have suffered sexual or work exploitation (Section 232 and Section 233 of the German Criminal Code, respectively) may be granted a residence permit even if they are enforceably required to leave Germany. However, the residence permit may only be issued if

- “1. the public prosecutor’s office or the criminal court considers his or her temporary presence in the federal territory to be appropriate in connection with criminal proceedings relating to the said criminal offence, because it would be more difficult to investigate the facts of the case without his or her information,
2. he or she has broken off contact to the persons accused of having committed the criminal offence and
3. he or she has declared his or her willingness to testify as a witness in the criminal proceedings relating to the offence” (Section 25 subs. 4a).

In such cases, a residence permit is granted for one year. If the criminal proceedings are terminated and if humanitarian or personal reasons or the public interest require that the foreigner remain in the federal territory the residence permit is granted for two years (see Section 26 subs. 1, fifth sentence).

Residence in Germany is not only permitted on the basis of a residence title. There is another status: *suspension of deportation*. However, persons who have this status are not issued with a residence title; their deportation is only temporarily suspended. The supreme Land authority may, “for reasons of international law or on humanitarian grounds or to safeguard the political interests of the Federal Republic of Germany”, order “the suspension of deportation of foreigners from specific states or of categories of foreigners defined by any other means to be suspended in general or with regard to deportation to specific states for a maximum of six months” (Section 60a subs. 1 of the Residence Act). Deportation is also suspended for as long as it is impossible in fact or in law and no residence permit is granted, if the public prosecutor’s office or the criminal court considers the foreigner’s temporary presence in the federal territory to be appropriate in connection with criminal proceedings relating to a criminal offence or if the foreigner’s continued presence in the federal territory is necessary on urgent humanitarian or personal grounds¹⁷ or due to substantial public interests. If a person whose deportation has been suspended starts vocational training, the deportation may be suspended not only for six months, but a year, and it shall be extended by one year if the training continues and is likely to be completed within an appropriate amount of time (Section 60a subs. 2, fifth sentence (5) of the Residence Act).

¹⁶ Section 60 subs. 5 of the Residence Act: “A foreigner may not be deported if deportation is inadmissible under the terms of the Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms (Federal Law Gazette 1952 II, p. 685).” Section 60 subs. 7 of the Residence Act: “A foreigner should not be deported to another state in which this foreigner faces a substantial concrete danger to his or her life and limb or liberty. Threats pursuant to sentence 1 to which the population or the segment of the population to which the foreigner belongs are generally exposed shall receive due consideration in decisions pursuant to Section 60a subs. 1, sentence 1.”

¹⁷ “Urgent personal grounds within the meaning of sentence 3 are, in particular, if the foreigner starts or has started qualified vocational training in Germany before attaining the age of 21 and does not come from a safe country of origin within the meaning of Section 29a of the Asylum Procedure Act” (Section 60a subs. 2, fourth sentence of the Residence Act).

“Well integrated young people and adolescents” as well as *“lastingly integrated adults”* whose deportation has been suspended can obtain a residence permit if they have stayed in Germany for a prolonged period of time. Pursuant to Section 25a of the Residence Act, young people and adolescents whose deportation has been suspended shall be issued with a residence permit if

- “1. he or she has been resident in the federal territory for four years¹⁸ without interruption, either lawfully or by virtue of his or her deportation having been suspended or by holding permission to stay in the federal territory,
2. he or she has successfully attended a school in the federal territory for four years or has acquired a recognised vocational or school-leaving qualification in Germany,
3. the application for the residence permit is filed prior to reaching the age of 21,
4. it appears, on the basis of the child’s education and way of life to date, that he or she will be able to integrate into the way of life which prevails in the Federal Republic of Germany and
5. there are no concrete reasons to believe that the foreigner does not recognise the free, democratic organisation of the Federal Republic of Germany” (Section 25a subs. 1 of the Residence Act).

Claiming public benefits for the purpose of ensuring his or her subsistence shall not preclude the granting of the residence permit, as long as the young persons or adolescents attend school education, vocational training or higher education. However, one of the conditions is that deportation has not been suspended on the basis of false information furnished by the foreigner or on the grounds of deception by the foreigner about his or her identity or nationality. A residence permit shall not be granted if the foreigner has been convicted of an offence wilfully committed¹⁹ in the federal territory. If a minor whose deportation has been suspended is granted a residence permit, the parents and minor children living with him or her as a family unit as well as spouses or civil partners of a parent may also be granted a residence permit, provided that their subsistence is ensured independently by means of an economic activity and they have not given false information about their identity or nationality pursuant to Section 25a subs. 1 no. 1 of the Residence Act.

Moreover, a person whose deportation has been suspended shall be granted a residence permit “if he or she has become integrated lastingly into the way of life in the Federal Republic of Germany” (Section 25b subs. 2, first sentence of the Residence act). This residence permit is granted for a maximum of two years. In general²⁰, the person whose deportation has been suspended must meet the following conditions: He or she

- “1. has been resident in the federal territory for at least eight years or, if he or she has been living together with a minor unmarried child in a single household, for at least six years without interruption, either lawfully or by virtue of his or her deportation having been suspended or by holding permission to stay in the federal territory,
2. recognises the free, democratic organisation of the Federal Republic of Germany and has basic knowledge of the legal and social system and the way of life in the federal territory,
3. secures his or her subsistence largely by an economic activity or, taking into account the current school, vocational qualification, income situation and family situation that he or she will secure his or her subsistence within the meaning of Section 2 subs. 3, with housing benefits being not taken into account,
4. has sufficient oral command of German within the meaning of level A2 of the Common European Framework of Reference for Languages and
5. proves school attendance of children of school age.

¹⁸ The four-year requirement entered into force on 1 August 2015 under the Act on Amendments to the Right to Stay and the Termination of Stay. Before, the minimum period for obtaining a residence permit was six years.

¹⁹ As a general principle, fines totalling up to 50 daily rates or up to 90 daily rates in the case of offences which, in accordance with the Residence Act or the Asylum Procedure Act, can only be committed by foreigners shall be ignored (see Section 25a subs. 3 of the Residence Act).

²⁰ Some of the conditions set out below may be waived if the third-country national cannot meet them “due to physical, mental or psychological illness or for reasons of age” (see Section 25b subs. 3 of the Residence Act).

Temporary claiming of public benefits for the purpose of ensuring his or her subsistence is usually harmless in the case of

1. students at a state or state-recognised university, apprentices in recognised vocational training schemes or state-supported vocational preparation schemes,
2. families with minor children who temporarily require supplementary public benefits,
3. single parents with minor children who cannot reasonably be required to take up employment pursuant to Section 10 subs. 1 no. 3 of the Second Book of the Social Code or
4. foreigners who take care of near relatives who are in need of care" (Section 25b subs. 1 of the Residence Act).

Under certain conditions, the spouse, the partner and the minor children of the relevant person shall be granted a residence permit, provided that they live as a family unit (see Section 25b subs. 4 of the Residence Act). If, however, the person whose deportation has been suspended has wilfully given false information, deceived the authorities about his or her identity or nationality, prevented or delayed the removal of obstacles to deportation or been sentenced for wilful criminal offences, no residence permit shall be granted (see Section 25b subs. 2 in conjunction with Section 54 subs. 1 and Section 2 nos. 1 and 2 of the Residence Act).

2.2.5 Granted residence titles in 2014 (by purpose of stay)

The Migration Monitoring captures and processes statistics from the Central Register of Foreigners in order to give an overview of the number of residence titles issued and of selected purposes of stay. The picture for 2014 is as follows (see also Table 1):

Table 1: Third-country nationals, who were issued with a residence permit, a Blue Card or a settlement permit in 2014 (by purpose of stay and entry)

	Residence permits granted for the purpose of education	Residence permits granted for the purpose of remunerated activities reasons or EU Blue Card	Residence permit granted for reasons of international law or on humanitarian or political grounds	Residence permit granted for family reasons	Residence permits granted for special reasons	Settlement permits	Total
Total number of permits granted in 2014	113,166	64,518	132,019	268,905	19,879	180,894	779,381
Entry in 2014	49,770	31,020	31,996	57,034	7,520	1,024	178,364
Entry before 2014	63,396	33,498	100,023	211,871	12,359	179,870	601,017

Source: Migration Monitoring: Migration to Germany. Annual report 2014 (Rühl/Schmidt 2015: 10), based on the Central Register of Foreigners, data as of 31 March 2015.

"The lion's share of residence permits granted to third-country nationals in 2014 (44.9%) was granted for family reasons. Under Section 27 subs. 5 of the Residence Act, dependants who join a family member in Germany have had unlimited access to the German labour market since September 2013. 22.1% of all residence permits were granted for reasons of international law or on humanitarian or political grounds. This share has jumped disproportionately in comparison to the preceding year (2013: 18.0%).

In 2014, 29.7% of all residence permits were issued for the purposes of education or remunerated activities – a total of 177,684 persons were issued with a residence permit for the purpose of education (113,116 persons) or remunerated activities (64,518 persons; including EU Blue Cards). The shares of both categories in the total number of residence permits rose slightly in comparison to the preceding year, by 4.6% in the case of residence permits granted for education purposes and by 2.5% in the case of residence permits granted for the remunerated activities reasons. One thing should be noted in a year-on-year comparison: From July 2013, Croatian nationals no longer need a residence permit due to Croatia's EU entry, which is why they are no longer included in these statistics.

If we look only at those persons who entered Germany during the reporting period for the purpose of remunerated activities, the increase is more visible, at 7.9%. Overall, most residence permits were granted to persons who already resided in the federal territory ahead of 2014; however, this phenomenon is less visible in the last two areas mentioned (education and remunerated activities). 44.0% of those third-country nationals who were granted a residence permit for education purposes between January and December 2014 and 48.1% of those who were granted a residence permit for employment purposes or an EU Blue Card entered Germany in 2014” (see Rühl/Schmidt 2015: 10).

The main countries of origin of those third-country nationals who were granted a residence permit, an EU Blue Card or a settlement permit in 2014 were Turkey (19.4% of all residence titles granted), Syria (6.6%), China (5.4%), the Russian Federation (5.4%) and Kosovo (4.7%) (see Rühl/Schmidt 2015: 12).

3 Legal framework for changing residence titles and purposes of stay

In principle, the purpose of stay can be changed as long as the law does not expressly forbid such a change and if the conditions for the issuance of a residence title for the new purpose of stay are fulfilled. Restrictions apply during a course of study (Section 16 subs. 2 of the Residence Act), during basic or advanced vocational training (Section 17 subs. 1, third sentence of the Residence Act) and to holders of a Schengen visa (Section 39 no. 3 of the Ordinance Governing Residence). Moreover, persons who have applied for asylum and for persons whose asylum application has been finally refused or who have taken back their application have only very limited options to obtain a residence title (see Chapter 3.1). The issuance of a residence or settlement permit, of an EU Blue Card or of an EU long-term residence permit requires that the third-country nationals must have entered Germany with the necessary visa for the issuance and that all required information was already given in the visa application. This provision restricts third country nationals’ options to change their residence status without leaving the country. However, it may be waived if “the prerequisites qualifying a foreigner for the granting of a residence title are met or if special circumstances relating to the individual case concerned render a subsequent visa application procedure unreasonable” (Section 5 subs. 2, second sentence of the Residence Act). These entry and issuance prerequisites for the visa do not apply to nationals from countries which benefit from special rules. For example, citizens of Australia, Israel, Japan, Canada, the Republic of Korea, New Zealand and the United States of America do not require a visa for entering the federal territory for a longer-term stay. They may reside in and apply for a residence title from the federal territory. This means also that they can change their purpose of stay from within Germany. The same applies to nationals of Andorra, Brazil, El Salvador, Honduras, Monaco and San Marino, who do not intend to pursue an economic activity, with the exception of the activities stated in Section 17, subs. 2 of the Ordinance Governing Residence.

If a third-country national residing in Germany applies for a residence title with a new purpose of stay or with a purpose of stay that differs from the purpose given in the visa application, the foreigners authority will examine whether the conditions of Section 5 subs. 2, second sentence of the Residence Act are met, whether the legal prerequisites for the new purpose of stay are fulfilled and whether there are grounds for refusal. “If the application is refused, the existing residence permit will continue to be valid until its expiry date and can be extended, provided that the relevant prerequisites are met” (see no. 7.1.2.2 of the General Administrative Regulation on the Residence Act). If a person has several options to change his or her residence title and purpose of stay, the authorities assume “that the foreigner applies for the residence title which gives him or her the most extensive rights, for

example concerning remunerated activity or a consolidation of the right to stay” (no. 7.1.2 of the General Administrative Regulation on the Residence Act).²¹

The Ordinance Governing Residence contains several provisions which go beyond the Residence Act and which set out the conditions under which third-country nationals can apply for extension of a residence title or a new residence title without leaving the country. For example, third-country nationals whose deportation has been suspended (Section 60a of the Residence Act), “who have, due to a marriage or civil partnership or the birth of a child during their stay in the federal territory, have acquired a right to the issuance of a residence permit” (Section 39 subs. 5 of the Ordinance Governing Residence) or who have held “an EU Blue Card issued by another Member State of the European Union for at least 18 months and have applied for an EU Blue Card in order to exercise a highly qualified employment can benefit from these easier conditions. The same applies to their family members who hold a residence title granted for reasons of family reunification and issued by the same Member State which has issued the EU Blue Card held by the foreigner” (Section 39 subs. 7 of the Ordinance Governing Residence).

3.1 Legal opportunities to change the residence title and the purpose of stay (overview)

Table 2 gives an overview of the switches between residence titles and purposes of stay which are possible under German law and of potential grounds of refusal. Some of the residence titles and purposes of stay are summarised in general categories, which cover several specific purposes of stay. One example is the residence title for *family reasons*, which is used as a general category below. However, the German Residence Act differentiates between several purposes of stay in this category, with possibly different requirements, restrictions and entitlements. For example, the prerequisites and rights may differ according to whether a person joins a German or a foreign national in Germany or whether he or she is a child or another family member apart from the core family. Please note that the following tables may therefore not include certain exceptions or refusal criteria, which cannot be taken into account in a summary format such as a table. While certain options may be presented as possible below, certain groups of persons may be excluded. Some of these exceptions and grounds for refusal – depending on the direction of the switch and the purpose of stay – will be explained in more detail following table 2.

²¹ With regard to the largely equivalent conditions for the issuance of a settlement permit or an EU long-term residence permit, the General Administrative Regulation on the Residence Act says that, “since the EU long-term residence permit grants more extensive rights than the settlement permit, it shall be assumed that the foreigner applies for an EU long-term residence permit. Holders of a settlement permit can apply for an EU long-term residence permit to be granted in place of their settlement permit. The conditions for granting an EU long-term residence permit shall be examined in full. If they are not met, the settlement permit shall remain valid; if they are met, an EU long-term residence permit shall be granted and the settlement permit shall be rendered invalid” (no. 9a.0.5 of the General Administrative Regulation on the Residence Act).

Table 2: Legal possibilities to change the residence title

Into	Family (Sec. 27 – 36 of the Residence Act)	Education I (Sec. 16 of the Residence Act)	Education II (Sec. 17 of the Residence Act)	Education III (Sec. 17a of the Residence Act)	Research (Sec. 20 of the Residence Act)	EU Blue Card (Sec. 19a of the Residence Act)	Highly qualified worker (Sec. 18b, 18c, 19 of the Residence Act)	Employee (Sec. 18, 18a* of the Residence Act)	Self-employed (Sec. 21 subs. 5 of the Residence Act)	Business owner (Sec. 21 subs. 1 – 4 of the Residence Act)	Seasonal worker (Sec. 15a of the Ordinance on Employment i.c.w. Sec. 18 of the Residence Act)	Intra-corporate transferee (Sec. 10 of the Ordinance on Employment i.c.w. Sec. 18 of the Residence Act)	National visa holder (D-type visa) (Sec. 6 subs. 3 of the Residence Act)	Asylum (Sec. 10 i.c.w. Sec. 25 of the Residence Act and Sec. 55 subs. 2 of the Asylum Procedure Act)	Deportation suspended (Sec. 60a i.c.w. Sec. 55 subs. 3 no. 3 and Sec. 56 of the Residence Act)	Victim of human trafficking (Sec. 25 subs. 4a of the Residence Act)
Family (Sec. 27 – 36 of the Residence Act)		Yes	Yes	Yes	Yes	Yes	Yes (excl. Sec. 18c of the Residence Act)	Yes (with certain restrictions)	Yes	Yes	No	No	No	Yes	Yes	Yes
Education I: University studies, application for a course of study, job search after graduation or completion of school education to acquire vocational qualification (Sec. 16 of the Residence Act)	Yes		No (during a course of study, a change of status is not permitted as a general rule, Sec. 16 subs 2 Residence Act)	Yes	Yes (prerequisite: completed and recognised university studies)	Yes (prerequisite: completed and recognised university studies)	Yes (excl. Section 18c of the Residence Act)	Yes (prerequisite: graduation from a German university)	Yes (prerequisite: graduation from a German university)	Yes (prerequisite: graduation from a German university)	No	No	No	Yes	Yes	Yes
Education II: Other (industrial) training (Sec. 17 of the Residence Act)	Yes	Yes		Yes	No	Yes	No	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes
Education III: Participation in training courses for the recognition of a qualification obtained abroad (Section 17a of the Residence Act)	Yes	Yes	Yes		Yes (prerequisite: completed and recognised university studies)	Yes (prerequisite: completed and recognised university studies)	Yes (prerequisite: completed and recognised university studies; excl. Sec. 18c of the Residence Act)	Yes	No	No	No	No	No	Yes	Yes	Yes
Research (Sec. 20 of the Residence Act)	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes
EU Blue Card (Sec. 19a of the Residence Act)	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes
Highly qualified worker (Sections 18b, 18c, 19 of the Residence Act)	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	No	No	No	Yes	Yes	Yes
Employee (Sec. 18 and 18a of the Residence Act)	Yes	Yes	Yes	Yes	Yes	Yes (excl. Sec. 19a subs. 1 no. 1 lit b; currently impossible due to lack of implementation ordinance)	Yes		Yes	Yes	No	No	No	Yes	Yes	Yes

Into	Family (Sec. 27 – 36 of the Residence Act)	Education I (Sec. 16 of the Residence Act)	Education II (Sec. 17 of the Residence Act)	Education III (Sec. 17a of the Residence Act)	Research (Sec. 20 of the Residence Act)	EU Blue Card (Sec. 19a of the Residence Act)	Highly qualified worker (Sec. 18b, 18c, 19 of the Residence Act)	Employee (Sec. 18, 18a* of the Residence Act)	Self- employed (Sec. 21 subs. 5 of the Residence Act)	Business owner (Sec. 21 subs. 1 – 4 of the Residence Act)	Seasonal worker (Sec. 15a of the Ordinance on Employment i.c.w. Sec. 18 of the Residence Act)	Intra- corporate transferee (Sec. 10 of the Ordinance on Employment i.c.w. Sec. 18 of the Residence Act)	National visa holder (D- type visa) (Sec. 6 subs. 3 of the Residence Act)	Asylum (Sec. 10 i.c.w. Sec. 25 of the Residence Act and Sec. 55 subs. 2 of the Asylum Procedure Act)	Deportation suspended (Sec. 60a i.c.w. Sec. 55 subs. 3 no. 3 and Sec. 56 of the Residence Act)	Victim of human trafficking (Sec. 25 subs. 4a of the Residence Act)
Self-employed (Sec. 21 subs. 5 of the Residence Act)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	No	No	No	Yes	Yes	Yes
Business owner (Sec. 21 subs. 1 – 4 of the Residence Act)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		No	No	No	Yes	Yes	Yes
Seasonal worker (Section 15a of the Ordinance on Employment in conjunction with Section 18 of the Residence Act)	Yes	Yes (e.g. following a stay as an au-pair pursuant to Sec. 16 subs. 1 of the Residence Act)	Yes	Yes	Yes	No	Yes (excl. Section 18c of the Residence Act)	Yes	Yes	Yes		No	No	Yes	Yes	Yes
Intra-corporate transferee (Section 10 of the Ordinance on Employment in conjunction with Section 18 of the Residence Act)	Yes	No	No	No	No	No	No	No	No	No	No		No	Yes	Yes	Yes
National visa holder (D-type visa) (Section 6 subs. 3 of the Residence Act)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes
Asylum (Section 10 in conjunction with Section 25 of the Residence Act and Section 55 subs. 2 of the Asylum Procedure Act)	Yes (e. g. due to marriage during procedure)	No	No	No	No	No	No	No	No	No	No	No	No		Yes	Yes (if invoked during the asylum procedure)
Deportation suspended (Sec. 60a in conjunction with Sec. 55 subs. 3 no. 3 and Sec. 56 of the Residence Act)	Yes	No	No	No	No	No	Yes	Yes	No	No	No	No	No	Yes		Yes
Victim of human trafficking (Sec. 25 subs. 4a of the Residence Act)	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No	No	No	No	No	Yes	Yes	

Source: Table based on Act on Temporary Employment Businesses, Asylum Procedure Act, Residence Act, General Administrative Regulation on the Residence Act, Ordinance on Employment, Act to Combat Clandestine Employment, German Criminal Code.

The content of this table was drawn up to the best of our knowledge and was checked with care. Nevertheless, there is no claim for completeness.

Exceptions and exclusions on changing from one of the following purposes of stay into another one:

- **Family reasons (Sections 27 – 36 of the Residence Act):** A switch from one residence title into another for the purpose of family reunification will often weaken the legal position of the person in question. While almost all changes of status are possible in this area, they are comparatively rare in practice. For example, it is legally possible to switch from a residence title for family reunification purposes into a residence title for study purposes (Section 16 of the Residence Act), but this may result in the loss of certain entitlements, for example if the person who changes his or her status already receives training assistance under the Federal Training Assistance Act or plans to do so in the future (for more details see Table 4). While holders of a residence title which permits family reunification with a German (Section 28 of the Residence Act) are usually entitled to receive assistance under the Federal Training Assistance Act immediately (provided that the necessary conditions are met), they cannot do so under a new residence title for study purposes until they have resided in Germany for at least 15 months. This amendment to the Federal Training Assistance Act entered into force on 1 August 2015 and affects in particular foreign students and vocational trainees who hold a residence title for humanitarian reasons (Section 8 subs. 2 and 2a of the Federal Training Assistance Act; see also Federal Government 2014: BMBF 2015a). Since 1 January 2016, it also applies to persons whose deportation has been suspended (see BMBF 2015b). If the applicant has not been resident in Germany for 15 months, an entitlement to training assistance under the family residence title may lapse under the new residence title for study purposes. Similar rules apply to numerous other changes of residence title. However, some changes of status may improve the conditions of stay, for example if applicants have a legal right to a settlement permit due to the length of their stay in Germany.
- **Seasonal workers:** Seasonal workers (Section 15a of the Ordinance on Employment) can only change their status if they meet the relevant requirements. For example, a change to a residence title for study purposes (Section 16 of the Residence Act) requires that the general conditions for admission to university studies (usually Abitur – the German university entrance qualification – or a comparable, recognised school leaving certificate, secure subsistence etc) are met.
- **Intra-corporate transferees (ICTs):** In the case of intra-corporate transferees the law assumes that there is an employment and transfer contract with the company in the country of origin, which also provides for the return of the intra-corporate transferee to the country of origin (Section 10 of the Ordinance on Employment). “The length of stay of an intra-corporate transferee is limited to three years. Once these three years are over, the residence title cannot be extended any more on the basis of Section 10 subs. 1 no. 1 of the Ordinance on Employment. Only after a sufficiently long period of absence from Germany, another intra-corporate transfer can take place” (Tollenaere 2014: 248, also BA 2013: 2.10.111). ICTs do not have access to the labour market beyond the scope of the transfer; if they want to apply for a new job, they will need to leave the country first and apply for a residence permit for work purposes. An exemption applies to managers or specialists pursuant to Section 4 or Section 2 subs. 5 of the Ordinance on Employment; the restrictions of their work permit within the meaning of Section 9 of the Ordinance on Employment may be loosened after two years of employment, provided that they have paid social security contributions. Still, Table 2 describes the usual situation, in which an employee is temporarily transferred to Germany for a limited period of time, not for permanent work in Germany. In the latter case, the conditions for a settlement permit would ultimately be met.
- **National visa (D-type visa):** The D-type visa is an independent residence title and does not represent a separate purpose of stay. Strictly speaking, its inclusion in this table and the following tables is not really in line with the overarching system. Nevertheless, the question arises whether a person who stays in Germany under a D-type visa can change his or her purpose of stay and residence title. The group of persons who want to stay in Germany for a prolonged period of time and enter the country with the necessary D-type visa is extremely heterogeneous. The D-type visa itself already gives the pur-

pose of the stay in Germany, which means that the holder of a D-type visa issued for business purposes will be different from the holder of a D-type visa issued for the purpose of family reunification. The possibilities of a change of status are consequently limited (see Section 5 subs. 2 of the Residence Act). However, the basic right to asylum remains unaffected.

- **Asylum:** Unless persons who have filed an application for asylum are legally entitled to a residence title, they may only be granted a residence title prior to the legally valid completion of the asylum procedure “with the approval of the supreme Land authority, and only when vital interests of the Federal Republic of Germany so require” (Section 10 subs. 1 of the Residence Act). In the last two cases the applicants may only be issued with a residence title for reasons of international law or on humanitarian or political grounds, “for example under the right to stay pursuant to Section 23 subs. 1 or in case of a positive ruling by the hardship commission of the Land government or the senate” (no. 10.3.1. of the General Administrative Regulation on the Residence Act). If an asylum application is rejected as being manifestly unfounded (Section 30 subs. 3 nos. 1 to 6 of the Asylum Procedure Act), no residence title may be granted before the third-country national has to leave Germany. If a third-country national applies for asylum, a potential exemption from the obligation to hold a residence title and an existing residence title with an overall validity of up to six months shall be cancelled. However, an existing residence title with an overall validity of more than six months shall remain unaffected (Section 55 subs. 2 of the Asylum Procedure Act). Moreover, the foreigners authority may extend a residence title despite the application for asylum, provided that the conditions are still met (Section 10 subs. 2 of the Residence Act).

Exceptions and exclusions on changing into one of the following residence titles or purposes of stay:

- **Employment:** A residence permit for the purpose of employment (Sec. 18 of the Residence Act) may not be granted to persons whose valid residence title already expressly permits employment. This includes, e.g., a settlement permit or an EU long-term residence permit, several residence permits granted for reasons of international law or on humanitarian or political grounds which entail a work permit (for example Sec. 22 third sentence, Sec. 23 subs. 2, Sec. 25 subs. 1 and 2 of the Residence Act), residence permits granted for family reasons (Sec. 27 subs. 5 of the Residence Act) certain specific residence permits (see no. 18.2.2 of the General Administrative Regulation on the Residence Act).
- **Highly qualified employment:** Section 18c of the Residence Act is a residence title which permits job seekers from abroad to reside in Germany for up to six months in order to find a job, provided that the necessary prerequisites are met (usually a university degree and a secure livelihood). Switching to a residence title pursuant to Section 18c of the Residence Act is, as a general rule, not possible without leaving Germany beforehand, unless the person in question possessed a residence title for the purpose of employment immediately before (Section 18c subs. 3 of the Residence Act). Section 18c of the Residence Act itself, however, practically calls for a change of status, as this residence title does not permit its holder to take a job. In fact, if the holder finds a job during his or her stay in Germany he or she may not start work before having obtained a new residence title.
- **Seasonal workers:** Seasonal employment in Germany means that the worker permanently resides in and/or holds an employment contract in another state. It is therefore not possible to change into the status of seasonal worker without leaving Germany.
- **Intra-corporate transferees:** An employment and transfer contract with a foreign company must exist. This assumes that the regular place of residence and employment is abroad. It is therefore not possible to change into the status of an intra-corporate transferee without leaving Germany.

- **National visa (D-type visa):** Most third-country nationals require a D-type visa to enter Germany for a longer-term stay. This visa is granted by the visa agencies abroad. It is not possible to change from a valid residence title into a D-type visa status without leaving Germany.
- **Asylum:** The basic right to asylum exists at any time. This means that a third-country national who is already residing in Germany has the right of having an application for asylum examined by the responsible authorities. Independent of the outcome of the asylum procedure, there may be different motives for changing into the status of an asylum applicant, for example armed fighting in the country of origin, which was not to be expected at the time when the temporary stay in Germany started, or a regime change which makes it probable that the applicant may suffer prosecution after a return to his or her country of origin. We assume in the following that, before any change of status, the person in question was lawfully resident in Germany and his or her residence title was not extended.
- **Suspension of deportation:** Deportation may be temporarily suspended for reasons of international law, humanitarian reasons or reasons of safeguarding the political interest of the Federal Republic of Germany. This tolerated status may follow after the rejection of an asylum application if the person in question is enforceably required to leave the country, but it is impossible in fact or by law to deport him or her (Section 60a subs. 2, first sentence of the Residence Act). It may also be the result of an expulsion order and thus affect a foreign citizen independent of his or her residence title, for example if he or she has been non-appealably sentenced to a prison term or a term of youth custody for several years (for reasons for expulsion see Sections 53 – 56 of the Residence Act), but cannot be deported for the reasons spelled out above or if “the public prosecutor’s office or the criminal court considers his or her temporary presence in the federal territory to be appropriate in connection with criminal proceedings relating to a criminal offence” (Section 60a subs. 2, second sentence of the Residence Act). Several residence status groups enjoy special protection from expulsion, for example third-country nationals who possess a settlement permit and have lawfully resided in the federal territory for at least five years, who cohabit with a German spouse or civil partner or who hold a residence permit, have lawfully resided in the federal territory for at least five years, cohabit with a foreign citizen as a spouse or civil partner and this spouse or civil partner holds a settlement permit or an EU long-term residence permit (see Section 56 of the Residence Act).

The changes of status set out in Table 2 are subject to legal provisions summarised in Table 3. The table only contains combinations foreseen by law. Residence permits for reasons of international law or on humanitarian or political grounds are taken into account only insofar as the option to apply for asylum or to switch into a tolerated status is mentioned. Recognised asylum applicants and recognised refugees are not included in the table. The same applies with regard to the EU long-term residence permit and several settlement permits (for the reasons see Chapter 1).

Table 3: Legal basis and granting prerequisites for status changes

From	Into	Legal basis	Policy/practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations
<ul style="list-style-type: none"> • Education I, II, III • Research • EU Blue Card • Highly qualified worker • Employment • Self-employed • Business owner • Seasonal worker • Intra-corporate transferee • National visa holder (D-type) • Asylum • Deportation suspended • Victim of human trafficking 	Family reasons	Art. 6 of the Basic Law; Sec. 27 – 36 of the Residence Act; Sec. 39 of the Ordinance Governing Residence for residents whose deportation has been suspended pursuant to Sec. 60a of the Residence Act	-	Yes, under certain circumstances.	See Chapter 2.	No
<ul style="list-style-type: none"> • Family reasons • Education II • Research • EU Blue Card • Highly qualified worker • Employment • Self-employed • Business owner • Seasonal worker • National visa holder (D-type) • Asylum • Victim of human trafficking 	Education I (university studies)	Sec. 16 of the Residence Act In case of asylum applicants only in exceptional cases with the approval of the supreme Land authority (Sec. 10 subs. 1 of the Residence Act)	-	Yes, under certain circumstances.	See Chapter 2.	No
<ul style="list-style-type: none"> • Family reasons • Research • EU Blue Card • Highly qualified worker • Employment • Self-employed • Business owner • National visa holder (D-type) • Asylum application/procedure • Victim of human trafficking 	Education II (industrial training)	Sec. 17 of the Residence Act In case of asylum applicants only in exceptional cases with the approval of the supreme Land authority (Sec. 10 subs. 1 of the Residence Act)	-	Yes, under certain circumstances.	See Chapter 2.	No
<ul style="list-style-type: none"> • Family reasons • Research • EU Blue Card • Highly qualified worker • Employment • Self-employed • Business owner • National visa holder (D-type) • Asylum application/procedure • Victim of human trafficking 	Education III (recognition of university studies and vocational qualifications obtained abroad)	Sec. 17a of the Residence Act In case of asylum applicants only in exceptional cases with the approval of the supreme Land authority (Sec. 10 subs. 1 of the Residence Act)	-	Yes, under certain circumstances.	See Chapter 2.	No

From	Into	Legal basis	Policy/practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations
<ul style="list-style-type: none"> Family reasons Education I, III EU Blue Card Highly qualified worker Employment Self-employed Business owner National visa holder (D-type) Asylum application/procedure Victim of human trafficking 	Research	Sec. 20 of the Residence Act In case of asylum applicants only in exceptional cases with the approval of the supreme Land authority (Sec. 10 subs. 1 of the Residence Act)	-	Yes, under certain circumstances.	See Chapter 2.	No
<ul style="list-style-type: none"> Family reasons Education I, II, III Research Highly qualified worker Employment Self-employed Business owner National visa holder (D-type) 	EU Blue Card	Sec. 19a of the Residence Act	-	Yes, under certain circumstances.	See Chapter 2.	No
<ul style="list-style-type: none"> Family reasons Education I, III Research EU Blue Card Employment Self-employed Business owner Seasonal worker National visa holder (D-type) Asylum application/procedure Victim of human trafficking 	Highly qualified worker	Sec. 18 subs. 4, 18b, 18c, 19 of the Residence Act In case of asylum applicants only in exceptional cases with the approval of the supreme Land authority (Sec. 10 subs. 1 of the Residence Act)	-	Yes, under certain circumstances.	See Chapter 2.	No
<ul style="list-style-type: none"> Family reasons Education I, II, III Research EU Blue Card Highly qualified worker Employment Self-employed Business owner Seasonal worker National visa holder (D-type) Asylum application/procedure Deportation suspended Victim of human trafficking 	Employment	Sec. 18, 18a of the Residence Act; in case of asylum applicants only in exceptional cases with the approval of the supreme Land authority (Sec. 10 subs. 1 of the Residence Act); no switch possible if current residence title already entitles holder to economic activity, e. g. Sec. 28 subs. 5, Sec. 29 subs. 5 or Section 31 subs. 1 of the Residence Act	-	Yes, under certain circumstances.	See Chapter 2.	No

From	Into	Legal basis	Policy/practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations
<ul style="list-style-type: none"> Family reasons Education I, II Research EU Blue Card Highly qualified worker Employment Business owner Seasonal worker National visa holder (D-type) 	Self-employed	Sec. 21 subs. 5 of the Residence Act	-	Yes, under certain circumstances.	See Chapter 2.	No
<ul style="list-style-type: none"> Family reasons Education I, II Research EU Blue Card Highly qualified worker Employment Self-employed Seasonal worker National visa holder (D-type) 	Business owner	Sec. 21 subs. 1–4, 6 of the Residence Act	-	Yes, under certain circumstances.	See Chapter 2.	No
<ul style="list-style-type: none"> National visa holder (D-type) 	Seasonal worker	Sec. 15a of the Ordinance on Employment in conjunction with Section 18 of the Residence Act	-	No	-	Yes Quotas apply to service contract workers from Bosnia-Herzegovina (990), Macedonia (480), Serbia (2,620) and Turkey (7,000). Depending on the number of registered unemployed in Germany, the quotas may be reduced or increased.
<ul style="list-style-type: none"> National visa holder (D-type) 	Intra-corporate transferee	Sec. 10 of the Ordinance on Employment in conjunction with Sec. 18 of the Residence Act	-	No	-	No
<ul style="list-style-type: none"> Family reasons Education I, II, III Research EU Blue Card Highly qualified worker Employment Self-employed Business owner Seasonal worker Intra-corporate transferee National visa holder (D-type) Deportation suspended Victim of human trafficking 	Asylum	Sec. 10 in conjunction with Sec. 25 of the Residence Act and Section 55 subs. 2 of the Asylum Procedure Act	-	Yes, under certain circumstances.	See Chapter 2.	No

From	Into	Legal basis	Policy/practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations
<ul style="list-style-type: none"> • Family reasons • Education I, II, III • Research • EU Blue Card • Highly qualified worker • Employment • Self-employed • Business owner • Seasonal worker • Intra-corporate transferee • National visa holder (D-type) • Asylum application/procedure • Victim of human trafficking 	Deportation suspended	Sec. 60a in conjunction with Sec. 55 subs. 3 no. 3 and Sec. 56 of the Residence Act	-	-	-	No
<ul style="list-style-type: none"> • Family reasons • Education I, II, III • Research • EU Blue Card • Highly qualified worker • Employment • Self-employed • Business owner • Seasonal worker • Intra-corporate transferee • National visa holder (D-type) • Asylum application/procedure • Deportation suspended 	Victim of human trafficking	Sec. 25 subs. 4a of the Residence Act	-	-	See Chapter 2.	No

Source: Table based on Act on Temporary Employment Businesses, Asylum Procedure Act, Residence Act, General Administrative Regulation on the Residence Act, Ordinance on Employment, Act to Combat Clandestine Employment, German Criminal Code.

The content of this table was drawn up to the best of our knowledge and was checked with care. Nevertheless, there is no claim for completeness.

3.2 Enhanced or reduced rights when changing the status

The following table (Table 4) gives an overview of the changes to the social and political rights of third-country nationals which are attached to a change of status; it focuses on the right to pursue an economic activity, to touch social security benefits, to participate in education programmes, to family reunification and to legal assistance as well as on the duration of the stay and on potential restrictions of mobility. The content of this table was drawn up to the best of our knowledge as of October 2015 and was checked with care. Nevertheless, there is no claim for completeness. Furthermore, single changes may be related to specific constellations and may not be generalized.

Table 4: Enhanced or reduced rights when changing the status

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
Education I (Section 16 of the Residence Act)	Family reasons (Sections 27 – 36 of the Residence Act)	<i>Enhanced rights</i> The limit on working hours (120 full or 240 half days per year) is lifted.	<i>No change</i> Third-country nationals largely have the same rights as German nationals. Subsistence of family members joining a foreigner must be secured. Touching social security benefits usually leads to a loss of the residence permit. <i>Enhanced rights</i> Provided that the conditions are met, the applicant may be entitled to free family health insurance from a statutory or private health insurance provider (see also Section 5 subs. 1 nos. 1, 6 and 9 of the Fifth Book of the German Social Code). <i>Reduced rights</i> If the university course or the basic or advanced industrial training are not completed under the new residence status, the entitlement to training assistance may change. If family members join a German national, they can usually touch training assistance pursuant to the Federal Training Assistance Act immediately; if they join a foreigner, they can do so after 15 months (since 1 January 2016, this also applies to persons whose deportation has been suspended).	<i>No change or enhanced rights</i> If the preconditions of Section 44 of the Residence Act are met, the person in question may be entitled to attend an integration course.	<i>Enhanced rights</i> The limit on the time for the search of a job commensurate with the university degree (18 months after graduation) is lifted. <i>Reduced rights</i> If the residence permit of the foreigner to be joined runs out sooner than current residence title of the person who switches status; in that case the overall duration of the stay may be shortened.	<i>No change</i>	<i>Not applicable, as this part of the table deals with a change of status into a residence title for family reasons</i>
Education II (Section 17 of the Residence Act)		<i>Enhanced rights</i> The limit on working hours which are not related to the industrial training (up to ten hours per week) is lifted.			<i>Enhanced rights</i> The limit on the time for the search of a job commensurate with the vocational qualification (12 months after completion of the training) is lifted. <i>Reduced rights</i> If the residence permit of the foreigner to be joined runs out sooner than current residence title of the person who switches status; in that case the overall duration of the stay may be shortened.		
Education III (Section 17a of the Residence Act)		<i>No change</i> If the advanced training is continued as before; there is no limit on related working hours, provided that this work shows a close connection with the professional knowledge needed for the type of employment desired after completion of the training. <i>Enhanced rights</i> The limit on working hours which are not related to the advanced training (up to ten hours per week) is lifted (Sec. 17a of the Residence Act).			<i>Enhanced rights</i> The time limit for the qualification course and its completion (18 months) is lifted.	<i>No change</i>	

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
Research (Section 20 of the Residence Act)	Family reasons (Sections 27 – 36 of the Residence Act) – Continuation	<i>No change or enhanced rights</i> The duration of stay is no longer linked to the time needed for research projects; the range of allowed occupations is considerably extended.	<i>No change</i> Employees from third-countries largely have the same rights as German nationals. Subsistence of family members joining a foreigner must be secured. Touching social security benefits usually leads to a loss of the residence permit. <i>Enhanced rights</i> Provided that the conditions are met, the applicant may be entitled to free family health insurance from a statutory or private health insurance provider (see also Section 5 subs. 1 nos. 1, 6 and 9 of the Fifth Book of the German Social Code).		<i>Enhanced rights</i> A residence permit pursuant to Sec. 20 of the Residence Act is granted for at least one year; if a research project is completed in a shorter amount of time, the duration of the residence permit will be limited to the duration of the research project. This time limit is lifted.	<i>No change</i>	
EU Blue Card (Section 19a of the Residence Act)		<i>No change or enhanced rights</i> The minimum wage pursuant to Section 19a subs. 1 no. 3 of the Residence Act is no longer required, and the permission of the foreigners authority for a change of position during the first two years of stay pursuant to Section 19a subs. 4 of the Residence Act is no longer necessary.			<i>Enhanced rights</i> The EU Blue Card is initially issued for four years at most; if the duration of the employment contract is shorter, it is issued for the period covering the employment contract plus three months. This time limit is lifted. <i>Reduced rights</i> If the residence permit to be joined runs out sooner than current residence title of the person who switches status; in that case the overall duration of the stay may be shortened. Shorter residence requirements for the issuance of a settlement permit may not apply.	<i>No change</i>	
Highly qualified worker (Sections 18b, 18c and 19 of the Residence Act)		<i>No change or enhanced rights</i> Potential occupational restrictions are lifted.		<i>No change or enhanced rights</i> If the initial residence title did not entitle the holder to participation in an integration course (Sec. 44 subs. 1 no. 1 lit a) of the Residence Act), the new residence title may do so, provided the necessary conditions are met.	<i>No change or enhanced rights</i> Depending on the preceding residence title, time limits for residence may be lifted.	<i>No change</i>	
Employment (Sections 18, 18a* of the Residence Act)		<i>No change</i>				<i>No change</i>	

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
Self-employed (Sec. 21 subs. 5 of the Residence Act)	Family reasons (Sections 27 – 36 of the Residence Act) – Continuation	<i>No change</i>		<i>No change</i>	<i>No change</i>	<i>No change</i>	
Business owner (Sec. 21 subs. 1 – 4 of the Residence Act)		<i>No change or enhanced rights</i> An extension of the stay, which, under Section 21 subs. 4 of the Residence Act, is limited to a maximum of three years, is no longer linked to a positive evaluation of the business.		<i>No change</i>	<i>No change or reduced rights</i> A residence permit for the purpose of self-employment is granted for a max. of 3 years (Sec. 21 subs. 4 of the Residence Act). Afterwards, a settlement permit may be granted in derogation of Sec. 9 subs. 2, provided that the prerequisites set out in Sec. 21 subs. 4 of the Residence Act are met. This shorter residence requirement for the issuance of a settlement permit does not apply.	<i>No change</i>	
Seasonal worker (Section 15a of the Ordinance on Employment in conjunction with Section 18 of the Residence Act)		<i>Enhanced rights</i> If all prerequisites – for example vocational qualifications – are met, the foreigner may pursue any remunerated economic activity.		<i>No change</i>		<i>No change</i>	
Intra-corporate transferees (Section 10 of the Ordinance on Employment)		<i>Enhanced rights</i> Having acquired the residence title, the foreigner may pursue any remunerated economic activity, provided he or she meets all prerequisites (for example vocational qualifications).	<i>No change or enhanced rights</i> If the intra-corporate transfer did not already require to obtain statutory or private health insurance, persons who are domiciled or ordinarily reside in Germany receive health insurance under German law. If prerequisites are met, family health insurance can be obtained for free in a statutory or private health insurance.	<i>No change or enhanced rights</i> If the initial residence title did not entitle the holder to participation in an integration course (Section 44 subs. 1 no. 1 lit a) of the Residence Act), the new residence title may do so, provided the necessary conditions set out in Sec. 44 of the Residence Act are met.		<i>Enhanced rights</i> The duration of stay is no longer limited to the duration of the employment contract.	<i>No change</i>

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
National visa holder (D-type visa) (Section 6 subs. 3 of the Residence Act)		<p><i>Enhanced rights</i></p> <p>Having acquired the residence title, the foreigner may pursue any remunerated economic activity, provided he or she meets all prerequisites (for example vocational qualifications).</p>	<p><i>Enhanced rights</i></p> <p>If the prerequisites are met, persons who are domiciled or ordinarily reside in Germany receive health insurance under German law. If prerequisites are met, family health insurance can be obtained for free in a statutory or private health insurance.</p> <p>If the prerequisites are met and if the foreigner intends to start university studies or basic or advanced industrial training under the new residence title, he or she may be entitled to training assistance. If family members join a German national, they can usually touch training assistance pursuant to the Federal Training Assistance Act immediately; if they join a foreigner, they can do so after 15 months (since 1 January 2016, this also applies to persons whose deportation has been suspended).</p>	<p><i>Enhanced rights</i></p> <p>The new residence title may entitle the holder to attend integration courses and, if the prerequisites are met, to attend other educational establishments or universities.</p>	<p><i>Enhanced rights</i></p> <p>The right of stay, which is limited to the period for which the visa is issued, will be extended by the duration of stay set out in the residence title issued for family reunification purposes.</p>	<p><i>Enhanced rights</i></p> <p>The time limit for stays of D-type visa holders in the complete Schengen area (up to 90 days for every 180-day period) is lifted.</p>	
Asylum application (Section 10 in conjunction with Section 25 of the Residence Act and Section 55 subs. 2 of the Asylum Procedure Act)				<p><i>Enhanced rights</i></p> <p>Easier access to training assistance; there is no entitlement to training assistance during the asylum procedure.</p> <p>Persons who have a good chance of being allowed to stay in Germany may attend an integration course pursuant to Sec. 44 sub. 4, 2nd sentence, nos. 1-3, & if all prerequisites are met, they have access to all other educational establishments & universities.</p>		<p><i>Enhanced rights</i></p> <p>Restrictions on the place of residence, if any, are lifted.</p>	
Suspended deportation (Section 60a of the Residence Act)		<p><i>Enhanced rights</i></p> <p>Foreigners are allowed to pursue a remunerated economic activity.</p>	<p><i>Enhanced rights</i></p> <p>Foreigners largely have the same rights as German nationals.</p>		<p><i>Enhanced rights</i></p> <p>The duration of the stay will be extended by the duration of stay set out in the residence title issued for family reunification purposes.</p>		
Victim of human trafficking (Section 25 subs. 4a of the Residence Act)						<p><i>No change</i></p>	

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
Family reasons (Sections 27 – 36 of the Residence Act)	Education I (Section 16 of the Residence Act)	<i>Reduced rights</i> Working hours are limited to 120 full or 240 half days per year. Work is not permitted during a stay for preparatory measures for a course of study during the first year of stay, apart from holidays and during the application procedure for a course of study (Section 16 subs. 1a and 3 of the Residence Act).	<i>No change</i> Foreigners largely have the same rights as German nationals. <i>Reduced rights</i> Foreigners may no longer meet the conditions for free family insurance in the statutory or private health insurance system. In this case the holder of the residence title will have to obtain his or her own health insurance. Moreover, access to training assistance may be restricted. If family members join a German national, they can usually touch training assistance; if they join a foreigner, they can do so after 15 months (since 1 January 2016, this also applies to persons whose deportation has been suspended). In this case, the situation may become worse even if the initial residence status is changed pursuant to Sec. 28 of the Residence Act (family members joining a German national); an entitlement to training assistance may lapse.	<i>No change or reduced rights</i> If the initial residence title was granted pursuant to Sections 28, 29, 30, 32 or 36 of the Residence Act, the entitlement to attend an integration course may lapse.	<i>No change</i>	<i>No change</i>	<i>No change</i>
Education II (Section 17 of the Residence Act)		<i>Enhanced rights</i> The time limit on working hours in a job which is not linked to the vocational training (Education II) or to the industrial training (Education III) (up to 10 hours per week) is lifted; instead, the holder of the title may pursue a remunerated economic activity on 120 full or 240 half days a year. No approval by the Federal Employment Agency is needed.	<i>No change</i> Foreigners largely have the same rights as German nationals. <i>Reduced rights</i> As soon as the foreigner is no longer available for full-time employment because his or her studies take up the majority of working time, any entitlement to unemployment benefits will lapse.	<i>No change</i>	<i>Enhanced rights</i> The period during which the foreigner may reside in Germany in order to search a job which is commensurate with his or her qualification is extended from 12 to 18 months after graduation.	<i>No change</i>	<i>No change</i>
Education III (Section 17a of the Residence Act)				<i>No change</i>	<i>Enhanced rights</i> The duration of stay can exceed the period of 18 months set out in Sec. 18a of the Residence Act. The prerequisites for attending a (post-graduate) course of study at university must be met.	<i>No change</i>	<i>No change</i>

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
Research (Section 20 of the Residence Act)	Education I (Section 16 of the Residence Act) – Continuation	<i>No change</i> If limits on working hours were set out in the initial residence title which are equivalent to those set out in Section 16 subs. 3 of the Residence Act. <i>Enhanced rights</i> No approval by the Federal Employment Agency is needed to take up a job within the limits of the permitted working hours. <i>Reduced rights</i> Working hours are limited to 120 full or 240 half days per year. Work is not permitted during a stay for preparatory measures for a course of study during the first year of stay, apart from holidays and during the application procedure for a course of study (Section 16 subs. 1a and 3 of the Residence Act).		<i>No change</i>	<i>Enhanced rights</i> Duration of stay can exceed period set out in Sec. 20 of the Residence Act (e.g. duration of the research project). The prerequisites for attending a (post-graduate) course of study at university must be met.	<i>No change</i>	<i>No change</i>
EU Blue Card (Section 19a of the Residence Act)				<i>No change</i>	<i>Enhanced rights</i> Duration of stay can exceed period set out in Sec. 19a of the Residence Act (e.g. duration of employment contracts with a term of less than four years). The prerequisites for attending a (post-graduate) course of study at university must be met.	<i>No change</i>	<i>No change</i>
Highly qualified worker (Sections 18b, 18c and 19 of the Residence Act)				<i>No change or reduced rights</i> If the initial residence title was granted pursuant to Sections 18 or 21 of the Residence Act, the entitlement to attend an integration course may lapse.	<i>Enhanced rights</i> Duration of stay can exceed period set out in the relevant work permit (e.g. for time-limited employment contracts). The prerequisites for attending a (post-graduate) course of study at university must be met.	<i>No change</i>	<i>No change</i>
Employee (Sec. 18 and 18a of the Residence Act)					<i>Enhanced rights</i> Duration of stay may exceed period set out in the residence permit granted pursuant to Sec. 21 of the Residence Act. The prerequisites for attending a (post-graduate) course of study at university must be met.	<i>No change</i>	<i>No change</i>
Self-employed (Sec. 21 subs. 5 of the Residence Act)					<i>Enhanced rights</i> Duration of stay may exceed period set out in the residence permit granted pursuant to Sec. 21 of the Residence Act. The prerequisites for attending a (post-graduate) course of study at university must be met.	<i>No change</i>	<i>No change</i>
Business owner (Section 21 subs. 1 – 4 of the Residence Act)					<i>Enhanced rights</i> Duration of stay may exceed period set out in the residence permit granted pursuant to Sec. 21 of the Residence Act. The prerequisites for attending a (post-graduate) course of study at university must be met.	<i>No change</i>	<i>No change</i>
Seasonal worker (Section 15a of the Ordinance on Employment in conjunction with Section 18 of the Residence Act; Section 29 of the Ordinance on Employment)				<i>Enhanced rights</i> The acquisition of a residence title for the purpose of education entitles the holder to access to educational establishments and universities, provided that the necessary requirements are met; training assistance pursuant to Section 8 of the Federal Training Assistance Act may be granted.	<i>Enhanced rights</i> The duration of the stay may exceed the period set out in the residence permit. The prerequisites for attending a (post-graduate) course of study at university must be met.	<i>No change</i>	<i>Enhanced rights</i> Persons in vocational training pursuant to Sec. 16 of the Residence Act have a right to family reunification, if the necessary conditions set out in Sec. 29 of the Residence Act are met.

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
National visa holder (D-type visa) (Section 6 subs. 3 of the Residence Act)	Education I (Section 16 of the Residence Act) – Continuation	<i>No change</i>	<i>Enhanced rights</i> Foreigners largely have the same rights as German nationals.	<i>Enhanced rights</i> The acquisition of a residence title for the purpose of education entitles the holder to access to all educational establishments and universities, provided that the necessary requirements are met; training assistance pursuant to Section 8 of the Federal Training Assistance Act may be granted, provided that the prerequisites are met.	<i>Enhanced rights</i> The right of stay, which is limited to the period for which the visa is issued, will be extended by the duration of stay set out in the residence title issued for education purposes.	<i>Enhanced rights</i> The time limit for stays of D-type visa holders in the complete Schengen area (up to 90 days for every 180-day period) is lifted.	<i>Enhanced rights</i> Persons in vocational training pursuant to Sec. 16 of the Residence Act have a right to family reunification, if the necessary conditions set out in Sec. 29 of the Residence Act are met.
Asylum application (only possible in exceptional cases with the approval of the supreme Land authority, Section 10 in conjunction with Section 25 of the Residence Act and Section 55 subs. 2 of the Asylum Procedure Act)		<i>Enhanced rights</i> After acquisition of this residence title, its holders may work for 120 full or 240 half days per year. No approval by the Federal Employment Agency is needed.	<i>No change</i> After the amendments to the Federal Training Assistance Act, training assistance is, as a general rule, available after 15 months (since 1 January 2016, this also applies to persons whose deportation has been suspended pursuant to Section 8 subs. 2a of the Federal Training Assistance Act, with former stays in Germany being credited towards this requirement).	<i>Enhanced rights</i> Access to integration courses and to all other educational establishments and universities, provided that the necessary requirements are met; training assistance pursuant to Section 8 of the Federal Training Assistance Act may be granted, provided that the prerequisites are met.	<i>Enhanced rights</i> The temporary right to stay is extended by the period set out in the residence title for education purposes, provided that the prerequisites for starting a university course are met.	<i>Enhanced rights</i> Restrictions on the place of residence, if any, are lifted.	
Suspended deportation (Section 60a of the Residence Act)		<i>Reduced rights</i> If the initial residence title allowed holders to work beyond the limits set out in Section 16 subs. 3 of the Residence Act.	<i>Enhanced rights</i> Foreigners largely have the same rights as German nationals.				
Victim of human trafficking (Section 25 subs. 4a of the Residence Act)							

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
Family reasons (Sections 27 – 36 of the Residence Act)	Education II (Section 17 of the Residence Act)	<p><i>No change or reduced rights</i></p> <p>The foreigner may only work up to 10 hours per week in jobs which are not related to the vocational training (Section 17 subs. 2 of the Residence Act). Taking up vocational training requires approval by the Federal Employment Agency.</p>	<p><i>No change</i></p> <p>Foreigners largely have the same rights as German nationals.</p> <p><i>Reduced rights</i></p> <p>Foreigners may no longer meet the conditions for free family insurance in the statutory or private health insurance system. In this case the holder of the residence title will have to obtain his or her own health insurance.</p> <p>Moreover, access to training assistance may be restricted. If family members join a German national, they can usually touch training assistance pursuant to the Federal Training Assistance Act immediately; if they join a foreigner, they can do so after 15 months (since 1 January 2016, this also applies to persons whose deportation has been suspended). In this case, the situation may become worse even if the initial residence status is changed pursuant to Section 28 of the Residence Act (family members joining a German national); an entitlement to training assistance may lapse.</p>	<p><i>No change or reduced rights</i></p> <p>If the initial residence title was granted pursuant to Sections 28, 29, 30, 32 or 36 of the Residence Act, the entitlement to attend an integration course may lapse.</p>	<p><i>Reduced rights</i></p> <p>The limit on the time for the search of a job commensurate with the vocational qualification (12 months after completion of the training) applies. This period may be shorter than the period of stay granted in the initial residence title.</p> <p><i>Enhanced rights</i></p> <p>The period of stay granted by the residence permit for basic or advanced industrial training may be longer than that granted by the initial residence title.</p>	<i>No change</i>	<i>No change</i>
Education III (Section 17a of the Residence Act)		<p><i>No change</i></p> <p>If a maximum of ten hours work per week was permitted under the initial residence title for the recognition of foreign qualifications pursuant to Section 17a subs. 2 of the Residence Act.</p> <p><i>Reduced rights</i></p> <p>If no time limit applied to the hours of work per week under the initial residence title for the recognition of foreign qualifications pursuant to Section 17a subs. 3 of the Residence Act.</p>	<p><i>No change</i></p> <p>Foreigners largely have the same rights as German nationals.</p> <p><i>Reduced rights</i></p> <p>As soon as the foreigner is no longer available for full-time employment because his or her vocational training takes up the majority of working time, any entitlement to unemployment benefits will lapse.</p>	<i>No change</i>		<i>No change</i>	<i>No change</i>

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reuni- fication
Research (Section 20 of the Residence Act)	Education II (Section 17 of the Residence Act) – Continuation	Reduced rights The foreigner may only work up to 10 hours per week in jobs which are not related to the vocational training (Section 17 subs. 2 of the Residence Act). Taking up vocational training may require approval by the Federal Employment Agency.		No change		No change	No change
EU Blue Card (Section 19a of the Residence Act)				No change		No change	
Highly qualified worker (Sections 18b, 18c and 19 of the Residence Act)				No change or re- duced rights If the initial resi- dence title was granted pursuant to Sections 18 or 21 of the Residence Act, the entitlement to attend an integration course may lapse.		No change	No change
Employee (Sections 18 and 18a of the Resi- dence Act)						No change	No change
Self-employed (Section 21 subs. 5 of the Residence Act)						No change	No change
Business owner (Section 21 subs. 1 – 4 of the Resi- dence Act)						No change	No change
Seasonal worker (Section 15a of the Ordinance on Employment in conjunction with Section 18 of the Residence Act; Section 29 of the Ordinance on Employment)		Reduced rights Working hours in a job which is not linked to the vocational training are limited to up to 10 hours per week pursuant to Section 17 subs. 2 of the Resi- dence Act.		Enhanced rights The acquisition of a residence title for other educational purposes entitles the holder to access to educational estab- lishments and uni- versities, provided that the necessary requirements are met; training assis- tance pursuant to Section 8 of the Federal Training Assistance Act may be granted, provided that the prerequi- sites are met.	Enhanced rights The duration of stay granted by the residence permit for basic or ad- vanced industrial training is extended if all prerequisites for taking up basic or advanced industrial training are met.	No change	Enhanced rights Persons in vocational training pursuant to Sec. 17 of the Residence Act have a right to family reuni- fication, if the necessary conditions set out in Sec. 29 of the Resi- dence Act are met.

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
National visa holder (D-type visa) (Section 6 subs. 3 of the Residence Act)	Education II (Section 17 of the Residence Act) – Continuation	<i>Enhanced rights</i> After acquisition of the residence title, holders may work for up to ten hours per week in a job which is not related to the vocational training.	<i>Enhanced rights</i> Foreigners largely have the same rights as German nationals.	<i>Enhanced rights</i> The acquisition of a residence title for other educational purposes entitles the holder to access to all educational establishments and universities, provided that the necessary requirements are met; training assistance pursuant to Section 8 of the Federal Training Assistance Act may be granted, provided that the prerequisites are met.	<i>Enhanced rights</i> The right of stay, which is limited to the period for which the visa is issued, will be extended by the duration of stay set out in the residence title issued for other education purposes.	<i>Enhanced rights</i> The time limit for stays of D-type visa holders in the complete Schengen area (up to 90 days for every 180-day period) is lifted.	<i>Enhanced rights</i> Persons in vocational training pursuant to Sec. 17 of the Residence Act have a right to family reunification, if the necessary conditions set out in Sec. 29 of the Residence Act are met.
Asylum application (only possible in exceptional cases with the approval of the supreme Land authority, Section 10 in conjunction with Section 25 of the Residence Act and Section 55 subs. 2 of the Asylum Procedure Act)		<i>Enhanced rights</i> After acquisition of the residence title, holders may work for up to ten hours per week in a job which is not related to the vocational training. <i>Reduced rights</i> If the initial residence title allowed holders to work beyond the limits set out in Section 17 subs. 2 of the Residence Act. Persons whose deportation has been suspended and who want to take up vocational training in a state-recognised or comparable regulated profession may be granted a permit for employment purposes without approval by the Federal Employment Agency (Section 32 subs. 1 of the Ordinance on Employment).	<i>No change</i> Assistance pursuant to the Federal Training Assistance Act usually after 15 months (since 1 January 2016, this also applies to persons whose deportation has been suspended).	<i>Enhanced rights</i> Access to integration courses and to all other educational establishments and universities, provided that the necessary requirements are met; training assistance pursuant to Section 8 of the Federal Training Assistance Act may be granted, provided that the prerequisites are met.	<i>Enhanced rights</i> The limited right to stay is extended by the period set out in the residence title for other education purposes, provided that the prerequisites for starting basic or advanced industrial training are met.	<i>Enhanced rights</i> Restrictions on the place of residence, if any, are lifted.	
Suspended deportation (Section 60a of the Residence Act)							
Victim of human trafficking (Sec. 25 subs. 4a of the Residence Act)							

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
Family reasons (Sections 27 – 36 of the Residence Act)	Education III (Section 17a of the Residence Act)	<p><i>No change</i></p> <p>If the prerequisites set out in Section 17a subs. 3 of the Residence Act are met, the permitted weekly working hours will not necessarily change.</p> <p><i>Reduced rights</i></p> <p>After acquisition of the residence title, holders may work for up to ten hours per week in a job which is not related to the advanced training (Section 17a subs. 2 of the Residence Act). Approval by the Federal Employment Agency is needed for the issuance of the residence title.</p>	<p><i>No change</i></p> <p>Foreigners largely have the same rights as German nationals.</p> <p><i>Reduced rights</i></p> <p>Foreigners may no longer meet the conditions for free family insurance in the statutory or private health insurance system. In this case the holder of the residence title will have to obtain his or her own health insurance.</p> <p>Moreover, access to training assistance may be restricted. If family members join a German national, they can usually touch training assistance pursuant to the Federal Training Assistance Act immediately; if they join a foreigner, they can do so after 15 months (since 1 January 2016, this also applies to persons whose deportation has been suspended). In this case, the situation may become worse even if the initial residence status is changed pursuant to Section 28 of the Residence Act (family members joining a German national); an entitlement to training assistance may lapse.</p>	<p><i>No change or reduced rights</i></p> <p>If the initial residence title was granted pursuant to Sections 28, 29, 30, 32 or 36 of the Residence Act, the entitlement to attend an integration course may lapse.</p>	<p><i>No change, enhanced or reduced rights</i></p> <p>Depending on the duration of stay granted by the former residence title, the switch may result in a shorter, a longer or an unchanged duration of stay, as the permit pursuant to Section 17a of the Residence Act is granted for a maximum of 18 months for the completion of the training and the subsequent examination.</p>	No change	No change
Education I (Section 16 of the Residence Act) (if a switch is allowed in exceptional cases)		<p><i>Reduced rights</i></p> <p>After acquisition of the residence title, holders may work for up to ten hours per week in a job which is not related to the advanced training (Section 17a subs. 2 of the Residence Act). Approval by the Federal Employment Agency is needed for the issuance of the residence title.</p>	<p><i>No change</i></p> <p>Foreigners largely have the same rights as German nationals.</p>	No change		No change	No change

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reuni- fication
	Education III (Section 17a of the Residence Act) – Continuation	<i>Enhanced rights</i> If the work is related to the advanced training and the vocational qualifications needed for the intended type of occupation, the limit on weekly working hours set out in Section 16 subs. 3 of the Residence Act will be lifted. No priority check is needed for participating in measures for the recognition of vocational qualifications (Section 32 subs. 5 of the Ordinance on Employment).					
Education II (Section 17 of the Residence Act)		<i>No change</i>		<i>No change</i>		<i>No change</i>	<i>No change</i>
Research (Section 20 of the Residence Act)		<i>No change</i> If the work is related to the advanced training and the vocational qualifications needed for the intended type of occupation, the permitted weekly working hours will not change.		<i>No change</i>		<i>No change</i>	<i>No change</i>
EU Blue Card (Section 19a of the Residence Act)				<i>No change</i>		<i>No change</i>	<i>No change</i>
Highly qualified worker (Sections 18b, 18c and 19 of the Residence Act)				<i>No change or reduced rights</i> If the initial residence title was granted pursuant to Sections 18 or 21 of the Residence Act, the entitlement to attend an integration course may lapse.		<i>No change</i>	<i>No change</i>
Employee (Sections 18 and 18a of the Residence Act)						<i>No change</i>	<i>No change</i>
Self-employed (Section 21 subs. 5 of the Residence Act)						<i>No change</i>	<i>No change</i>
Business owner (Section 21 subs. 1 – 4 of the Residence Act)		<i>No change</i>		<i>No change</i>			

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
Seasonal worker (Section 15a of the Ordinance on Employment in conjunction with Section 18 of the Residence Act; Section 29 of the Ordinance on Employment)	Education III (Section 17a of the Residence Act) – Continuation	<i>No change</i> If work is related to the advanced training & the vocational qualifications needed for the intended type of occupation. No change to permitted working hours (Sec. 17a subs. 2 of the Residence Act). <i>Reduced rights</i> The foreigner may only work up to 10 hours per week in jobs which are not related to the vocational training (Section 17a subs. 2 of the Residence Act).		<i>Enhanced rights</i> After acquisition of a residence title for the recognition of foreign qualifications the holder has access to educational establishments and universities, provided that the necessary prerequisites are met.	<i>Enhanced rights</i> The duration of stay, which is limited to the period covered by the employment contract, may be extended by the period set out in the residence title for the recognition of foreign vocational qualifications, provided that the prerequisites for taking up the qualification training are met.	<i>No change</i>	<i>Enhanced rights</i> Persons in vocational training pursuant to Sec. 17a of the Residence Act have a right to family reunification, if the necessary conditions set out in Sec. 29 of the Residence Act are met.
National visa holder (D-type visa) (Section 6 subs. 3 of the Residence Act)		<i>No change</i>	<i>Enhanced rights</i> Foreigners largely have the same rights as German nationals.	<i>Enhanced rights</i> After acquisition of a residence title for the recognition of foreign qualifications the holder has access to all educational establishments and universities, provided that the necessary prerequisites are met.	<i>Enhanced rights</i> The right of stay, which is limited to the period for which the visa is issued, will be extended by the duration of stay set out in the residence title issued for the recognition of foreign qualifications.	<i>Enhanced rights</i> Time limit for stays of D-type visa holders in the Schengen area (up to 90 days for every 180-day period) is lifted.	
Asylum application (only possible in exceptional cases with the approval of the supreme Land authority, Sec. 10 in conjunction with Sec. 25 of the Residence Act and Sec. 55 subs. 2 of the Asylum Procedure Act)		<i>No change</i> If both the initial residence title and the subsequently issued residence title include no limitation of the working hours. <i>Enhanced rights</i> If remunerated economic activities were not permitted before. After acquisition of residence title holders may work for up to 10 h. per week in a job not related to the training measure; if work is related, there will be no limit on the weekly working hours.	<i>Enhanced rights</i> Foreigners largely have the same rights as German nationals.	<i>Enhanced rights</i> Access to all other educational establishments and universities if the necessary prerequisites are met.	<i>Enhanced rights</i> The duration of stay will be extended by the duration of stay set out in the residence title issued for the recognition of foreign qualifications.	<i>Enhanced rights</i> Restrictions on the place of residence, if any, are lifted.	
Suspended deportation (Sec. 60a of the Residence Act)							
Victim of human trafficking (Section 25 subs. 4a of the Residence Act)		<i>Reduced rights</i> If the initial residence title allowed holders to work beyond the maximum limit set out in Section 17a subs. 2 of the Residence Act.					

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reuni- fication
Family reasons (Sections 27 – 36 of the Residence Act)	Research (Section 20 of the Residence Act)	No change	No change Foreigners largely have the same rights as German nationals. Enhanced rights If the holder did not already work in a job for which social security contributions needed to be paid, he or she will be entitled to payments from the statutory pension scheme under the new residence title, provided he or she makes the necessary contri- butions. Reduced rights Foreigners may no longer meet the conditions for free family insurance in the statutory or private health insurance system. In this case the holder of the residence title will have to obtain his or her own health insurance.	No change Reduced rights If the initial resi- dence title was granted pursuant to Sections 28, 29, 30, 32 or 36 of the Residence Act, the entitlement to attend an integration course may lapse.	No change or enhanced rights Depending on the duration of stay granted under the former residence title, the switch may result in a longer or unchanged duration of stay, as the duration of stay may be limited to the time of the research project pursuant to Section 20 subs. 4 of the Residence Act.	No change	No change
Education I (Section 16 of the Residence Act)		Enhanced rights The limit on working hours (120 full or 240 half days p.a.) is lifted.	No change Foreigners largely have the same rights as German nationals.	No change	Reduced rights As the duration of stay is linked to the duration of the research project, the duration of stay may be shorter than under the initial residence title. The residence permit may be re- voked if the foreigner is no longer engaged in research (Section 52 subs. 4 of the Residence Act).	No change	No change
Education III (Section 17a of the Residence Act)		Enhanced rights The time limit for work which is not related to the advanced industrial training (up to ten hours per week) is lifted.		No change		No change	
EU Blue Card (Section 19a of the Residence Act)		No change or enhanced rights No approval by the Federal Employment Agency is needed for taking up employment as a researcher.		No change		No change	
Highly qualified worker (Sections 18b, 18c and 19 of the Residence Act)				No change or re- duced rights If the initial resi- dence title was granted pursuant to Sections 18 or 21 of the Residence Act, the entitlement to attend an integration course may lapse.		No change	No change
Employee (Sections 18 and 18a of the Resi- dence Act)						No change	No change
Self-employed (Sec. 21 subs. 5 of the Residence Act)			No change		No change		
Business owner (Section 21 subs. 1 – 4 of the Resi- dence Act)		No change	No change				

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
Seasonal worker (Section 15a of the Ordinance on Employment in conjunction with Section 18 of the Residence Act; Section 29 of the Ordinance on Employment)	Research (Section 20 of the Residence Act) – Continuation	<i>Enhanced rights</i> No approval by the Federal Employment Agency is needed to take up a job on the basis of Section 20 of the Residence Act.		<i>Enhanced rights</i> Access to educational establishments and universities if the necessary prerequisites are met.	<i>Enhanced rights</i> The right of stay, which is limited to the period covered by the employment contract, will be extended by the duration of stay set out in the residence title issued for research purposes.	<i>No change</i>	<i>Enhanced rights</i> Researcher pursuant to Sec. 20 of the Residence Act have the right to family reunification, if the necessary conditions set out in Sec. 29 of the Residence Act are met.
National visa holder (D-type visa) (Section 6 subs. 3 of the Residence Act)		<i>No change</i>	<i>Enhanced rights</i> Foreigners largely have the same rights as German nationals.	<i>No change</i>	<i>Enhanced rights</i> The right of stay, which is limited to the period covered by the visa, will be extended by the duration of stay set out in the residence title issued for research purposes.	<i>Enhanced rights</i> The time limit for stays of D-type visa holders in the complete Schengen area (up to 90 days for every 180-day period) is lifted.	
Asylum application (only possible in exceptional cases with the approval of the supreme Land authority, Sec. 10 in conjunction with Sec. 25 of the Residence Act and Sec. 55 subs. 2 of the Asylum Procedure Act)		<i>No change</i> If similar working hours were permitted under the former residence title. <i>Enhanced rights</i> No approval by the Federal Employment Agency is needed to take up a job on the basis of Section 20 of the Residence Act.	<i>Enhanced rights</i> Foreigners largely have the same rights as German nationals.	<i>Enhanced rights</i> Access to integration courses and to all other educational establishments and universities if the necessary prerequisites are met.	<i>No change or reduced rights</i> The duration of stay pursuant to Section 20 of the Residence Act (at least one year or depending on the time needed for the project) can remain unchanged or be shorter than the duration of stay under the initial residence title. <i>Enhanced rights</i> If the prerequisites are met, the foreigner may be issued with a settlement permit later on pursuant to Section 9 of the Residence Act.	<i>Enhanced rights</i> Restrictions on the place of residence, if any, are lifted.	
Suspended deportation (Sec. 60a of the Residence Act)							
Victim of human trafficking (Sec. 25 subs. 4a of the Residence Act)							

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reuni- fication		
Family reasons (Sections 27 – 36 of the Residence Act)	EU Blue Card (Section 19a of the Residence Act)	No change or reduced rights The issuance of an EU Blue Card is subject to the foreigner’s gaining a certain minimum remuneration. Foreigners may take up a job only with the ap- proval of the Federal Employ- ment Agency if the wage is below the minimum and they have not graduated from a German univer- sity. During the first two years, the foreigners authority must authorise a change of job (Sec- tion 19a subs. 1, 3 and 4 of the Residence Act).	No change Foreigners largely have the same rights as German nationals. Enhanced rights If the holder did not already work in a job for which social security contributions needed to be paid, he or she will be entitled to payments from the statutory pension scheme under the new residence title, provided he or she makes the necessary contri- butions. Reduced rights Foreigners may no longer meet the conditions for free family insurance in the statutory or private health insurance system. In this case the holder of the residence title will have to obtain his or her own health insurance.	No change or re- duced rights If the initial resi- dence title was granted pursuant to Sections 28, 29, 30, 32 or 36 of the Residence Act, the entitlement to attend an integration course may lapse.	No change or reduced rights Depending on the duration of stay set out in the former residence title, the switch may result in a shorter or unchanged duration of stay, as an EU Blue Card is initially issued for a maximum of four years or, if the duration of the employment contract is shorter, for the period covering the employment contract plus three months pursuant to Section 19a subs. 3 of the Residence Act.	No change	No change		
Education I (Section 16 of the Residence Act)			No change Foreigners largely have the same rights as German nationals.	No change		No change	No change	No change	
Education II (Section 17 of the Residence Act)				No change		No change	No change	No change	
Education III (Section 17a of the Residence Act)				No change		No change	No change	No change	
Research (Section 20 of the Residence Act)				No change		No change	No change	No change	
Highly qualified worker (Sections 18b, 18c and 19 of the Residence Act)				No change or re- duced rights If the initial resi- dence title was granted pursuant to Sections 18 or 21 of the Residence Act, the entitlement to attend an integration course may lapse.		No change	No change	No change	No change
Employee (Sec. 18 and 18a of the Residence Act)						No change	No change	No change	No change
Self-employed (Sec. 21 subs. 5 of the Residence Act)						No change	No change	No change	No change
Business owner (Section 21 subs. 1 – 4 of the Resi- dence Act)						No change	No change	No change	No change

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
National visa holder (D-type visa) (Section 6 subs. 3 of the Residence Act)	EU Blue Card (Section 19a of the Residence Act) – Continuation	<i>Enhanced rights</i> The residence title enables its holder to pursue the remunerated economic activity stated in the visa.	<i>Enhanced rights</i> Foreigners largely have the same rights as German nationals.	<i>No change</i>	<i>Enhanced rights</i> The right of stay, which is limited to the period covered by the visa, will be extended by the duration of stay set out in the EU Blue Card (initially, four years at most).	<i>Enhanced rights</i> Time limit for stays of D-type visa holders in Schengen area (up to 90 days for every 180-day period) is lifted.	<i>Enhanced rights</i> The EU Blue Card entitles for family reunification, if the necessary conditions set out in Sec. 29 of the Residence Act are met.
Family reasons (Sections 27 – 36 of the Residence Act)	Highly qualified worker (Sections 18b and 19 of the Residence Act; not Section 18c of the Residence Act)	<i>No change or reduced rights</i> If the foreigner holds a foreign university degree, the Federal Employment Agency has to approve the issuance of a residence title for employment purposes (Section 2 subs. 3 of the Ordinance on Employment), unless the prerequisites of Section 9 of the Ordinance on Employment are met.	<i>No change</i> Foreigners largely have the same rights as German nationals. <i>Enhanced rights</i> If the holder did not already work in a job for which social security contributions needed to be paid, he or she will be entitled to payments from the statutory pension scheme under the new residence title, provided the necessary contributions are made. <i>Reduced rights</i> Foreigners may no longer meet the conditions for free family insurance in the statutory or private health insurance system. In this case the holder of the residence title will have to obtain his or her own health insurance before starting to work.	<i>No change</i>	<i>No change</i> If the initial residence title already gave the right to an unlimited duration of stay. <i>Enhanced rights</i> If the prerequisites are met, a foreigner may be granted a settlement permit sooner in derogation of Section 9 subs. 2, first sentence, no. 1 of the Residence Act (five years of holding a residence permit).	<i>No change</i>	<i>No change</i>
Education I (Sec. 16 Residence Act) (It is not possible to switch directly into a residence title pursuant to Sec. 18b Residence Act, unless the foreigner worked for at least 2 years in a job which was subject to social security contributions)		<i>No change</i> If, after graduation, the foreigner pursues a remunerated activity permitted pursuant to Sec. 16 subs. 4 of the Residence Act. <i>Enhanced rights</i> Limit on working hours (120 full or 240 half days p.a.) is lifted. Graduates of German universities do not need approval of Federal Employment Agency to take up a job if it commensurate with their qualification (Sec. 2 subs. 1 of the Ordinance on Employment)	<i>No change</i> Foreigners largely have the same rights as German nationals.	<i>No change</i>		<i>No change</i>	<i>No change</i>

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reuni- fication
Education III (Section 17a of the Residence Act)	Highly quali- fied worker (Sections 18b and 19 of the Residence Act; not Section 18c of the Resi- dence Act) – Continuation	No change				No change	No change
Research (Section 20 of the Residence Act)		No change or reduced rights If the foreigner holds a foreign university degree, the Federal Employment Agency now has to approve the issuance of a resi- dence title for employment purposes (Section 1 subs. 3 of the Ordinance on Employment), unless the prerequisites of Sec- tion 9 of the Ordinance on Em- ployment are met. Pursuant to Section 2 subs. 1 of the Ordi- nance on Employment, residence titles issued pursuant to Section 19 of the Residence Act do not require an approval by the Fed- eral Employment Agency.				No change	No change
EU Blue Card (Section 19a of the Residence Act)		No change or enhanced rights The minimum salary for an EU Blue Card set out in Section 19a subs. 1 no. 3 of the Residence Act is not necessary.				No change	No change
Employee (Sections 18 and 18a of the Resi- dence Act)		No change or enhanced rights If the preconditions are met, the issuance of a residence title for employment purposes may not require an approval by the Fed- eral Employment Agency. The prerequisites for self- employment set out in Section 21 of the Residence Act need not be met.				No change	No change
Self-employed (Section 21 subs. 5 of the Residence Act)						No change	No change
Business owner (Section 21 subs. 1 – 4 of the Resi- dence Act)						No change	No change

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
Seasonal worker (Section 15a of the Ordinance on Employment in conjunction with Section 18 of the Residence Act; Section 29 of the Ordinance on Employment)	Highly qualified worker (Sections 18b and 19 of the Residence Act; not Section 18c of the Residence Act) – Continuation	<i>Enhanced rights</i> If the preconditions are met, the issuance of a residence title for employment purposes may not require an approval by the Federal Employment Agency.	<i>Enhanced rights</i> Foreigners largely have the same rights as German nationals.	<i>Enhanced rights</i> Access to educational establishments and universities if the necessary prerequisites are met.		<i>No change</i>	<i>Enhanced rights</i> Highly qualified worker pursuant to Sec. 18b, 19 and 18c of the Residence Act have a right to family reunification, if the necessary conditions set out in Sec. 29 of the Residence Act are met.
National visa holder (D-type visa) (Section 6 subs. 3 of the Residence Act)		<i>No change</i>	<i>Enhanced rights</i> Foreigners largely have the same rights as German nationals.	<i>Enhanced rights</i> If the new residence title is granted pursuant to Section 18 of the Residence Act, the holder may be entitled to attend an integration course.	<i>Enhanced rights</i> The right of stay, which is limited to the period for which the visa is issued, will be extended by the duration of stay set out in the residence title issued for highly qualified employment.	<i>Enhanced rights</i> The time limit for stays of D-type visa holders in the complete Schengen area (up to 90 days for every 180-day period) is lifted.	
Asylum application (only possible in exceptional cases with the approval of the supreme Land authority, Section 10 in conjunction with Section 25 of the Residence Act and Sec. 55 subs. 2 of the Asylum Procedure Act)		<i>Enhanced rights</i> If the prerequisites are met, a residence title for employment purposes may be granted without the approval of the Federal Employment Agency. Persons whose deportation has been suspended and asylum applicants may be granted approval for taking up employment if they have been lawfully resident in the federal territory for three months (Section 8 subs. 1 of the Ordinance on Employment). The approval will be granted without a priority check if the applicants have been resident in the federal territory for 15 months without interruption (Section 32 subs. 5 of the Ordinance on Employment).	<i>Enhanced rights</i> Foreigners largely have the same rights as German nationals. If the holder did not already work in a job for which social security contributions needed to be paid under the original residence title, he or she will be entitled to payments from the statutory pension scheme under the new residence title, provided he or she makes the necessary contributions.	<i>Enhanced rights</i> Access to integration courses and to all other educational establishments and universities if the necessary prerequisites are met.	<i>Enhanced rights</i> The duration of stay may be longer than under the initial residence title. If the prerequisites are met, the foreigner may be issued with a settlement permit later on pursuant to Section 9 of the Residence Act.	<i>Enhanced rights</i> Restrictions on the place of residence, if any, are lifted.	
Suspended deportation (Sec. 60a of the Residence Act)							
Victim of human trafficking (Section 25 subs. 4a of the Residence Act)							

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
Family reasons (Sections 27 – 36 of the Residence Act)	Employee (Sections 18 and 18a of the Residence Act)	<p><i>No change or reduced rights</i> If the foreigner holds a foreign vocational qualification, the Federal Employment Agency has to approve the issuance of a residence title for employment purposes (Section 6 subs. 2 of the Ordinance on Employment), unless the prerequisites of Section 9 of the Ordinance on Employment are met.</p>	<p><i>No change</i> Foreigners largely have the same rights as German nationals.</p> <p><i>Enhanced rights</i> If the holder did not already work in a job for which social security contributions needed to be paid, he or she will be entitled to payments from the statutory pension scheme under the new residence title, provided he or she makes the necessary contributions.</p> <p><i>Reduced rights</i> Foreigners may no longer meet the conditions for free family insurance in the statutory or private health insurance system. In this case the holder of the residence title will have to obtain his or her own health insurance before starting to work.</p>	<i>No change</i>	<p><i>No change or reduced rights</i> Depending on the duration of stay granted by the former residence title, the switch may result in a shorter or an unchanged duration of stay, as the duration of stay may be linked to the duration of the employment contract. The prerequisites for obtaining a settlement permit may become stricter, for example for foreigners who have so far held residence titles pursuant to Section 19a or 21 of the Residence Act.</p>	<i>No change</i>	<i>No change</i>
Education I (Section 16 of the Residence Act)		<p><i>No change</i> If the foreigner already worked in a job commensurate with his or her degree during the permitted period of 18 months after the successful completion of a university course.</p> <p><i>Enhanced rights</i> The limit on annual working hours (120 full or 240 half days per year) is lifted.</p>	<p><i>No change</i> Foreigners largely have the same rights as German nationals.</p> <p><i>Enhanced rights</i> For example for students who did not work in a job subject to statutory social-security contributions during their studies. Under the new residence title they will be entitled to payments from the statutory pension scheme, provided they make the necessary contributions.</p>	<p><i>No change or enhanced rights</i> If the new residence title is granted pursuant to Section 18 of the Residence Act, the holder may be entitled to attend an integration course, provided that the prerequisites are met.</p>	<p><i>Enhanced rights</i> The duration of stay may be longer than under the residence title for the initial purpose. If the prerequisites are met, the foreigner may be issued with a settlement permit later on pursuant to Section 9 of the Residence Act.</p>	<i>No change</i>	<i>No change</i>
Education II (Section 17 of the Residence Act)		<p><i>No change</i> If a regular employment contract follows seamlessly after the training contract.</p> <p><i>Enhanced rights</i> The limit on working hours which are not related to the vocational training (up to ten hours per week) is lifted.</p>				<i>No change</i>	<i>No change</i>

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
Education III (Section 17a of the Residence Act)	Employee (Sections 18 and 18a of the Residence Act) – Continuation	<i>No change</i> If working hours were not limited during the training measure. <i>Enhanced rights</i> The limit on working hours which are not related to the advanced training (up to ten hours per week pursuant to Sec. 17a subs. 2 of the Residence Act) is lifted.				<i>No change</i>	<i>No change</i>
Research (Section 20 of the Residence Act)		<i>No change</i>				<i>No change</i>	<i>No change</i>
EU Blue Card (Section 19a of the Residence Act)		<i>No change or enhanced rights</i> Minimum salary for an EU Blue Card (Sec. 19a subs. 1 no. 3 of the Residence Act) is not necessary.				<i>No change</i>	<i>No change</i>
Highly qualified employment (Section 18c of the Residence Act)		<i>No change</i>				<i>No change</i>	<i>No change</i>
Self-employed (Sec. 21 subs. 5 of the Residence Act)		<i>No change</i>				<i>No change</i>	<i>No change</i>
Business owner (Sec. 21 subs. 1-4 of the Residence Act)		<i>No change</i>				<i>No change</i>	<i>No change</i>
Seasonal worker (Sec. 15a of the Ordinance on Employment in conjunction with Sec. 18 of the Residence Act; Sec. 29 of the Ordinance on Employment)		<i>Enhanced rights</i> If the prerequisites are met, a foreigner may be issued with a residence permit for employment purposes.	<i>Enhanced rights</i> Foreigners largely have the same rights as German nationals.	<i>Enhanced rights</i> Access to educational establishments and universities if the necessary prerequisites are met.		<i>No change</i>	<i>Enhanced rights</i> Employees pursuant to Sec. 18 and 18a of the Residence Act have a right to family reunification, if the necessary conditions set out in Sec. 29 of the Residence Act are met.
National visa holder (D-type visa) (Section 6 subs. 3 of the Residence Act)		<i>Enhanced rights</i> The residence title enables its holder to pursue the remunerated economic activity stated in the visa.	<i>Enhanced rights</i> Foreigners largely have the same rights as German nationals.	<i>Enhanced rights</i> If the new residence title is granted pursuant to Sec. 18 of the Residence Act, the holder may be entitled to attend an integration course, provided that the prerequisites are met.			
					<i>Enhanced rights</i> The right of stay, which is limited to the period for which the visa is issued, will be extended by the duration of stay set out in the residence title issued for qualified employment.	<i>Enhanced rights</i> Time limit for stays of D-type visa holders in Schengen area (up to 90 days for every 180-day period) is lifted.	

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
<p>Asylum application (only possible in exceptional cases with the approval of the supreme Land authority, Sec. 10 in conjunction with Sec. 25 of the Residence Act and Sec. 55 subs. 2 of the Asylum Procedure Act)</p> <p>Suspended deportation (Sec. 60a of the Residence Act)</p> <p>Victim of human trafficking (Sec. 25 subs. 4a of the Residence Act)</p>		<p><i>Enhanced rights</i></p> <p>If the prerequisites are met, a residence title for employment purposes may be granted without the approval of the Federal Employment Agency. Persons whose deportation has been suspended and asylum applicants may be granted approval for taking up employment if they have been lawfully resident in the federal territory for three months (Sec. 8 subs. 1 of the Ordinance on Employment). The approval will be granted without a priority check if the applicants have been resident in the federal territory for 15 months without interruption (Section 32 subs. 5 of the Ordinance on Employment).</p>	<p><i>Enhanced rights</i></p> <p>Foreigners largely have the same rights as German nationals. If the holder did not already work in a job for which social security contributions needed to be paid under the original residence title, he or she will be entitled to payments from the statutory pension scheme under the new residence title, provided he or she makes the necessary contributions.</p>		<p><i>Enhanced rights</i></p> <p>The duration of stay may be longer than under the initial residence title. If the prerequisites are met, the foreigner may be issued with a settlement permit later on pursuant to Section 9 of the Residence Act.</p>	<p><i>Enhanced rights</i></p> <p>Restrictions on the place of residence, if any, are lifted.</p>	<p><i>Enhanced rights</i></p> <p>Employees pursuant to Sec. 18 and 18a of the Residence Act have a right to family reunification, if the necessary conditions set out in Sec. 29 of the Residence Act are met.</p>
<p>Family reasons (Sections 27 – 36 of the Residence Act)</p>	<p>Self-employed (Section 21 subs. 5 of the Residence Act)</p>	<p><i>No change</i></p>	<p><i>No change</i></p> <p>Foreigners largely have the same rights as German nationals.</p> <p><i>Enhanced rights</i></p> <p>If the holder did not already work in a job for which social security contributions needed to be paid, he or she will be entitled to payments from the statutory pension scheme under the new residence title, provided he or she makes the necessary contributions.</p> <p><i>Reduced rights</i></p> <p>Foreigners may no longer meet the conditions for free family insurance in the statutory or private health insurance system. In this case the holder of the residence title will have to obtain his or her own health insurance before starting his or her business.</p>	<p><i>No change</i></p>	<p><i>No change or enhanced rights</i></p> <p>The permitted duration of stay may be longer than under the initial residence title. If the prerequisites are met, the foreigner may be issued with a settlement permit later on pursuant to Section 9 of the Residence Act.</p>	<p><i>No change</i></p>	<p><i>No change</i></p>

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reuni- fication
Education I (Section 16 of the Residence Act)	Self-employed (Section 21 subs. 5 of the Residence Act) – Continuation	Enhanced rights The limit on annual working hours (120 full or 240 half days per year) is lifted.	No change Foreigners largely have the same rights as German nationals. Enhanced rights For example for students who did not work in a job subject to statutory social-security contri- butions during their studies. Under the new residence title they will be entitled to payments from the statutory pension scheme, provided they make the necessary contributions.	No change or en- hanced rights If the prerequisites are met, the holder is entitled to attend an integration course pursuant to Section 44 of the Residence Act.		No change	No change
Education II (Section 17 of the Residence Act)		Enhanced rights Limit on working hours which are not related to vocational training (up to 10 h. per week) is lifted.				No change	No change
Research (Section 20 of the Residence Act)		No change or enhanced rights If the prerequisites for self- employment are met. Additional professional qualifications may need to be acquired ahead of the issuance of the residence title. If the initial residence title is an EU Blue Card, the minimum salary requirement will lapse.				No change	No change
EU Blue Card (Section 19a of the Residence Act)						No change	No change
Highly qualified worker (Sections 18b, 18c and 19 of the Residence Act)				No change or en- hanced rights If initial residence title for employment purposes was not issued pursuant to Sec. 18 of the Resi- dence Act, the switch entitles the holder to attend an integration course, provided the prereq- uisites are met.		No change	No change
Employee (Sections 18 and 18a of the Resi- dence Act)						No change	No change
Business owner (Section 21 subs. 1 – 4 of the Resi- dence Act)		No change or enhanced rights In derogation from Sec. 21 subs. 1 of the Residence Act, which requires an economic interest or a regional need & positive effects on the economy, a foreigner may be granted a residence title for exercising a profession. Reduced rights Sec. 21 subs. 4 of the Residence Act, which, in derogation from Sec. 9 subs. 2 of the Residence Act, provides for the possibility of granting a settlement permit if the planned activity is success- fully carried out and if the subsis- tence of the foreigner is ensured, no longer applies.		No change	No change		

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
Seasonal worker (Sec. 15a of the Ordinance on Employment in conjunction with Sec. 18 of the Residence Act; Sec. 29 of the Ordinance on Employment)	Self-employed (Section 21 subs. 5 of the Residence Act) – Continuation	<i>Enhanced rights</i> If the necessary professional qualifications are met.	<i>Enhanced rights</i> Foreigners largely have the same rights as German nationals.	<i>Enhanced rights</i> If the prerequisites are met, the holder is entitled to attend an integration course pursuant to Section 44 of the Residence Act.		<i>No change</i>	<i>Enhanced rights</i> Self-employed pursuant to Sec. 21 of the Residence Act have a right to family reunification, if the necessary conditions set out in Sec. 29 of the Residence Act are met.
National visa holder (D-type visa) (Section 6 subs. 3 of the Residence Act)		<i>Enhanced rights</i> The residence title enables its holder to pursue the remunerated economic activity stated in the visa.	<i>Enhanced rights</i> Foreigners largely have the same rights as German nationals.	<i>No change or enhanced rights</i> If the prerequisites are met, the holder is entitled to attend an integration course pursuant to Sec. 44 of the Residence Act.	<i>Enhanced rights</i> The right of stay, which is limited to the period for which the visa is issued, will be extended by the duration of stay set out in the residence title issued for self-employment pursuant to Section 21 subs. 5 of the Residence Act.	<i>Enhanced rights</i> Time limit for stays of D-type visa holders in the Schengen area (up to 90 days for every 180-day period) is lifted.	
Family reasons (Sections 27 – 36 of the Residence Act)	Business owner (Section 21 subs. 1 – 4 of the Residence Act)	<i>No change</i>	<i>No change</i> Foreigners largely have the same rights as German nationals. <i>Enhanced rights</i> If the holder did not work in a job for which social security contributions needed to be paid under the residence title for family reunification purposes, he or she will be entitled to payments from the statutory pension scheme under the new residence title, provided he or she makes the necessary contributions. But no obligation to make payments into the statutory pension system. <i>Reduced rights</i> Foreigners may no longer meet the conditions for free family insurance in the statutory or private health insurance system. In this case the holder of the residence title will have to obtain his or her own health insurance before starting business.	<i>No change</i>	<i>No change or enhanced rights</i> The permitted duration of stay may be longer than under the initial residence title. If the prerequisites are met, a foreigner may be issued with a settlement permit already after three years pursuant to Section 21 subs. 4 of the Residence Act (in derogation from Section 9 subs. 2 of the Residence Act), if the planned activity has been successfully carried out and if the subsistence is ensured.	<i>No change</i>	<i>No change</i>

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reuni- fication
Education I (Section 16 of the Residence Act)	Business owner (Section 21 subs. 1 – 4 of the Residence Act) – Continuation	<i>Enhanced rights</i> Limit on working hours (120 full or 240 half days p.a.) is lifted.	<i>No change</i> Foreigners largely have the same rights as German nationals.	<i>No change or enhanced rights</i> If the prerequisites are met, the holder is entitled to attend an integration course pursuant to Section 44 of the Residence Act.		<i>No change</i>	<i>No change</i>
Education II (Section 17 of the Residence Act)		<i>Enhanced rights</i> Limit on working hours which are not related to industrial training (up to 10 h. per week) is lifted.				<i>No change</i>	<i>No change</i>
Research (Section 20 of the Residence Act)		<i>No change or enhanced rights</i> If the prerequisites for self- employment are met. Additional professional qualifications may be needed. Moreover, the com- petent bodies for the planned business location, the competent trade and industry authorities, the representative bodies for public-sector professional groups and the competent authorities regulating admission to the profession concerned need to be involved in examining the busi- ness plans (Section 21 subs. 1 of the Residence Act).				<i>No change</i>	<i>No change</i>
EU Blue Card (Section 19a of the Residence Act)						<i>No change</i>	<i>No change</i>
Highly qualified worker (Sections 18b, 18c and 19 of the Residence Act)			<i>No change or enhanced rights</i> If initial residence title was not issued pursuant to Sec.18 of the Residence Act, the change entitles to attend integration course, provided the prerequisites are met.	<i>No change</i>	<i>No change</i>		
Employee (Sections 18 and 18a of the Resi- dence Act)			<i>No change</i>	<i>No change</i>			
Self-employed (Sec. 21 subs. 5 of the Residence Act)			<i>No change</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>	
Seasonal worker (Sec. 15a of the Ordinance on Employment i.c.w. Sec. 18 of the Residence Act; Sec. 29 of the Ordinance on Employment)			<i>Enhanced rights</i> Foreigners largely have the same rights as German nationals.	<i>Enhanced rights</i> If the prerequisites are met, the holder is entitled to attend an integration course pursuant to Section 44 of the Residence Act.		<i>No change</i>	<i>Enhanced rights</i> Business owner pursu- ant to Sec. 21 subs. 1-4 of the Residence Act have a right to family reuni- fication, if the necessary conditions set out in Sec. 29 of the Resi- dence Act are met.
National visa holder (D-type visa) (Section 6 subs. 3 of the Residence Act)		<i>No change</i>	<i>Enhanced rights</i> Foreigners largely have the same rights as German nationals.	<i>No change or en- hanced rights</i> If the prerequisites are met, the holder is entitled to attend an integration course pursuant to Sec. 44 of the Residence Act.	<i>Enhanced rights</i> The right of stay, which is limited to the period for which the visa is issued, will be extended by the duration of stay set out in the resi- dence title issued for self- employment pursuant to Sec. 21 of the Residence Act (3 years at most).	<i>Enhanced rights</i> Time limit for stays of D-type visa holders in the Schen- gen area (up to 90 days for every 180- day period) is lifted.	

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
National visa holder (D-type visa) (Section 6 subs. 3 of the Residence Act)	Seasonal worker (Section 15a of the Ordinance on Employment in conjunction with Section 18 of the Residence Act; Section 29 of the Ordinance on Employment)	<p><i>Enhanced rights</i></p> <p>The residence title enables its holder to pursue the remunerated economic activity stated in the visa.</p>	<p><i>Enhanced rights</i></p> <p>Workers in jobs which are subject to social-security contributions have access to the statutory pension system, to invalidity pensions & pensions for surviving dependants, to care benefits, to workplace accident and occupational disease benefits regardless of their national origin; any benefits depend on their income. While there is no entitlement to unemployment benefits II, foreigners may claim benefits pursuant to Sec. 19 of the 12th Book of the German Social Cod in irrefutable emergencies, provided that the prerequisites are met.</p> <p><i>Reduced rights</i></p> <p>Touching social benefits pursuant to the 12th Book of the German Social Code may result in a discretionary expulsion.</p>	<i>No change</i>	<i>No change</i> If the visa was issued for the duration of the temporary employment.	<i>No change</i>	<i>No change</i>
National visa holder (D-type visa) (Section 6 subs. 3 of the Residence Act)	Intra-corporate transferee (no residence title)	<p><i>Enhanced rights</i></p> <p>The residence title enables to pursue the remunerated economic activity stated in the visa. Depending on duration of transfer agreement, an involvement of the Federal Employment Agency will need to be examined (Sec. 10 of the Ordinance on Employment). This applies, e.g. to managers & specialists (Sec. 4 of the Ordinance on Employment) & for persons who are sent for more than 3 months to Germany under a work performance contract (Sec. 19 subs. 2 of the Ordinance on Employment), but not to specialists employed by an international company who are sent for training purposes, provided that the duration of the stay does not exceed 3 months within a period of 12 months (Sec. 17 of the Ordinance on Employment). If approval is needed, it shall be granted without priority check.</p>	<p><i>No change</i></p> <p>Foreigners largely have the same rights as German nationals.</p> <p><i>Enhanced rights</i></p> <p>Depending on the duration of stay and country of origin, the foreigner may need to take out statutory or private health insurance in Germany before taking up work. He or she will then be insured under German law. Moreover, if he or she takes a job which is subject to social security contributions and makes contributions to the German pension scheme he or she will be entitled to pension payments.</p>	<i>No change or enhanced rights</i> Depending on the duration of the transfer as set out in the transfer agreement, the prerequisites for attending an integration course may be met.	<i>No change</i> If the visa was issued for the duration of the temporary employment.	<i>No change or enhanced rights</i> Depending on the duration of the transfer as set out in the transfer agreement, time limit for stays of D-type visa holders in the Schengen area (up to 90 days for every 180-day period) is lifted.	<i>Enhanced rights</i> Intra-corporate transferees pursuant to Sec. 10 subs. 1-4 of the Residence Act have a right to family reunification, if the necessary conditions set out in Sec. 29 of the Residence Act are met.

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
Family reasons (Sec. 27 – 36 of the Residence Act)	Asylum application (Section 10 in conjunction with Section 25 of the Residence Act and Section 55 sub. 2 of the Asylum Procedure Act)	<i>Reduced rights</i> Asylum applicants may not take up remunerated employment during the first three months of their asylum procedure. After this period, an approval by the Federal Employment Agency will usually be necessary. The Federal Employment Agency will not need to be involved if a residence title is granted for humanitarian grounds.	<i>Reduced rights</i> The prerequisites for benefits under the Asylum-Seekers' Benefits Act may be met (Section 1 subs. 1 of the Asylum-Seekers' Benefits Act). There is no entitlement to unemployment benefits II. Benefits to persons whose deportation has been suspended will not necessarily change.	<i>Reduced rights</i> Access to universities is not possible or limited during the asylum procedure (it may be possible, for example, if the foreigner's subsistence is secured); there are Land-specific provisions; there will not necessarily be any changes for persons whose deportation has been suspended and who have not had access to higher education owing to Land-specific restrictions or restrictions set out by the foreigners authorities.	<i>Reduced or enhanced rights</i> The duration of stay depends on the duration and the outcome of the asylum procedure and may be shorter or longer than the remainder of the stay permitted under the initial residence permit or residence title.	<i>Reduced rights</i> There may be restrictions on the place of residence (Section 61 of the Residence Act).	<i>Reduced rights</i> In general, during the asylum procedure there is no right for family reunification; for those entitled to international protection possibly more restrictive provisions (Sec. 29 of the Residence Act)
Education I (Section 16 of the Residence Act)							
Education II (Section 17 of the Residence Act)							
Education III (Section 17a of the Residence Act)							
Research (Section 20 of the Residence Act)							
EU Blue Card (Section 19a of the Residence Act)							
Highly qualified worker (Sections 18b, 18c and 19 of the Residence Act)							
Employee (Sec. 18 and 18a of the Residence Act)							
Self-employed (Sec. 21 subs. 5 of the Residence Act)							
Business owner (Section 21 subs. 1 – 4 of the Residence Act)							
Seasonal worker (Section 15a of the Ordinance on Employment in conjunction with Section 18 of the Residence Act; Section 29 of the Ordinance on Employment)							<i>Enhanced rights</i> For those entitled to international protection

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
Intra-corporate transferees (Sec. 10 of the Ordinance on Employment)	Asylum application (Section 10 in conjunction with. Section 25 of the Residence Act and Section 55 sub. 2 of the Asylum Procedure Act) – Continuation						<i>Reduced rights</i> In general, during the asylum procedure no right for family reunification; for those entitled to international protection possibly more restrictive provisions (Sec. 29 of the Residence Act)
National visa holder (D- visa) (Sec. 6 subs. 3 of the Residence Act)							<i>Enhanced rights</i> For those entitled to international protection
Deportation suspended (Sec. 60a of the Residence Act) (switch possible only if the initial application was rejected)							
Victim of human trafficking (Sec. 25 subs. 4a of the Residence Act)				No change	No change		No change or enhanced rights
Family reasons (Sec. 27 – 36 of the Residence Act)	Deportation suspended (Section 60a of the Residence Act)	<i>Reduced rights</i> If a foreigner whose residence title was revoked after a criminal offence may be sentenced to prison, he or she has no access to the regular labour market. If this is not the case, the provisions of Section 32 of the Ordinance on Employment and the restrictions set out in Section 33 of the Ordinance on Employment may apply.	<i>Reduced rights</i> If a foreigner whose residence title was revoked after a criminal offence may be sentenced to prison, he or she is only entitled to basic medical care. While prisoners are obliged to work (Sec. 41 of the Act Concerning the Execution of Prison Sentences and Measures of Rehabilitation and Prevention Involving Deprivation of Liberty), they will not pay contributions into the statutory pension scheme.	<i>Reduced rights</i> If a foreigner whose residence title was revoked after a criminal offence may be sentenced to prison, he or she has only limited access to educational courses and educational establishments.	<i>Reduced rights</i> A permission to stay is initially granted for six months, but may be extended. The foreigner who has committed a criminal offence will be required to leave the federal territory.	<i>Reduced rights</i> There may be restrictions on the place of residence (Section 61 of the Residence Act).	<i>Reduced rights</i> In general, those with their deportation suspended have no right for family reunification (Sec. 29 of the Residence Act)
Education I (Section 16 of the Residence Act)							
Education II (Section 17 of the Residence Act)							
Education III (Section 17a of the Residence Act)							

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
Research (Section 20 of the Residence Act)	Deportation suspended (Section 60a of the Residence Act) – Continuation		Persons whose deportation has been suspended are not entitled to unemployment benefits II. If, after the revocation of the residence title, the foreigner still holds a job which is subject to social-security contributions he or she is entitled to payments from the statutory pension system, to invalidity pensions and pensions for surviving dependants, to care benefits, to workplace accident and occupational disease benefits. These benefits are granted regardless of the national origin and depend on the income.	If a foreigner has committed a criminal offence which is not punished by a prison sentence, the general conditions for persons whose deportation has been suspended will apply.			<i>Reduced rights</i> In general, those with their deportation suspended have no right for family reunification (Sec. 29 of the Residence Act)
EU Blue Card (Section 19a of the Residence Act)							<i>No change</i>
Highly qualified worker (Sections 18b, 18c and 19 of the Residence Act)							
Employee (Sections 18 and 18a of the Residence Act)							
Self-employed (Sec. 21 subs. 5 of the Residence Act)							<i>Reduced rights</i> In general, those persons whose deportation was suspended have no right for family reunification (Sec. 29 of the Residence Act)
Business owner (Sec.21 subs.1-4 of the Residence Act)							
Seasonal worker (Section 15a of the Ordinance on Employment in conjunction with Section 18 of the Residence Act; Section 29 of the Ordinance on Employment)							
Intra-corporate transferees (Section 10 of the Ordinance on Employment)							<i>No change</i>
National visa holder (D-type visa) (Section 6 subs. 3 of the Residence Act)							

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
Asylum application (Section 10 in conjunction with Section 25 of the Residence Act and Section 55 subs. 2 of the Asylum Procedure Act)	Deportation suspended (Section 60a of the Residence Act) – Continuation	<i>No change or enhanced rights</i> No approval by the Federal Employment Agency is needed for a work permit for internships which prepare interns for a profession, for vocational training in a state-recognised or comparable profession, for work as a highly qualified worker, as manager or scientist or researcher. The same applies if a person has been lawfully resident in the federal territory for at least four years without interruption with a residence permit, due to a suspension of deportation or with a permission to stay (Sec. 32 subs. 2, 3 and 4 of the Ordinance on Employment). If the prerequisites are met, no priority check will be made (Sec. 32 subs. 5 of the Ordinance on Employment).	<i>No change or enhanced rights</i> There is no entitlement to unemployment benefits II. If the foreigner still holds a job which is subject to social-security contributions he or she has access to payments from the statutory pension system, to invalidity pensions and pensions for surviving dependants, to care benefits, to workplace accident and occupational disease benefits. These benefits are granted regardless of the national origin and depend on the income.	<i>No change</i> If legal waiting periods prevent the foreigner from starting basic or advanced industrial training or a course of study. <i>Enhanced rights</i> After the waiting periods have elapsed, the foreigner may apply to the responsible foreigners authority for permission to start basic or advanced professional training or a course of study.	<i>Enhanced rights</i> For reasons of international law or on humanitarian grounds or to safeguard the political interests of the Federal Republic of Germany, the supreme Land authority may order the deportation of foreigners from specific states for a maximum of six months pursuant to Section 60a of the Residence Act. Section 23 subs. 1 of the Residence Act shall apply to periods which exceed six months.	<i>Enhanced rights</i> Restrictions on the place of residence, if any, may be lifted.	<i>No change</i> During the asylum procedure <i>Reduced rights</i> For those entitled to international protection
Victim of human trafficking (Section 25 subs. 4a of the Residence Act)							<i>Reduced rights</i> Right on family reunification does not apply anymore (Sec. 29 subs. 3 of the Residence Act)
Family reasons (Sec. 27 – 36 of the Residence Act) Education I (Section 16 of the Residence Act) Education II (Section 17 of the Residence Act) Education III (Section 17a of the Residence Act) Research (Sec. 20 of the Residence Act) EU Blue Card (Section 19a of the Residence Act) Highly qualified worker (Sections 18b, 18c and 19 of the Residence Act) Employee (Sec. 18 and 18a of the Residence Act)	Victim of human trafficking (Section 25 subs. 4a of the Residence Act)	<i>No change or reduced rights</i> Foreigners who reside in Germany pursuant to Section 25 subs. 4a, b of the Residence Act do not require the approval of the Federal Employment Agency to take up a job. In fact, however, employers will be reluctant to offer a job to foreigners who hold this residence title, as the duration of stay is limited to the duration of the criminal proceedings and a subsequent residence title for another purpose may, but need not be granted.	<i>No change or reduced rights</i> Up until 28 February 2015, victims of human trafficking received benefits under the Asylum-Seekers' Benefits Act. If they were in principle allowed to take up a job, they were also entitled to benefits pursuant to the Second Book of the German Social Code. Persons who were unable to work may have been entitled to benefits pursuant to the Twelfth Book of the German Social Code. Since 1 March 2015, victims of human trafficking may claim benefits pursuant to the Second and the Twelfth Book of the German Social Code if the general prerequisites are met.	<i>No change or reduced rights</i> Holders of this residence title are not entitled to attend an integration course.	<i>Enhanced rights</i> If the foreigner is a victim of a criminal offence pursuant to Sec. 232, 233 or 233a of the German Criminal Code, a temporary residence permit may be granted pursuant to Sec. 25 subs. 4a of the Residence Act if he or she cooperates with the prosecuting authorities, has broken off contact with the persons charged with the criminal offence and is willing to act as a witness during the criminal proceedings. <i>Reduced rights</i> While a residence title is initially issued for six months, the total duration of stay is linked to the duration of the criminal proceedings. Once the proceedings are completed, the purpose of the residence permit will be fulfilled.	<i>No change or enhanced rights</i> The authorities may provide victims of human trafficking with safe accommodation.	<i>Reduced rights</i> Victims of human trafficking shall only be granted the right for family reunification under specific conditions (Sec. 25 subs. 3 of the Residence Act)

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
Self-employed (Sec. 21 subs. 5 of the Residence Act)	Victim of human trafficking (Section 25 subs. 4a of the Residence Act) – Continuation						
Business owner (Sec. 21 subs. 1-4 of the Residence Act)							
Seasonal worker (Section 15a of the Ordinance on Employment in conjunction with Section 18 of the Residence Act; Section 29 of the Ordinance on Employment)							<i>Enhanced rights</i> Former seasonal workers may now be granted the right for family reunification under specific conditions (Sec. 25 subs. 3 of the Residence act)
Intra-corporate transferees (Sec. 10 of the Ordinance on Employment)							<i>Reduced rights</i> Victims of human trafficking shall only be granted the right for family reunification in accordance with international law, on humanitarian grounds or in order to uphold the political interests of the Federal Republic of Germany (Sec. 25 subs. 3 of the Residence Act)

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
National visa holder (D-type visa) (Section 6 subs. 3 of the Residence Act)	Victim of human trafficking (Section 25 subs. 4a of the Residence Act) – Continuation						<i>Enhanced rights</i> Those, who previously had been granted a national visa, may under specific conditions now be granted the right for family reunification (Sec. 25 subs. 3 of the Residence Act)
Asylum application (Section 10 in conjunction with Section 25 of the Residence Act and Section 55 subs. 2 of the Asylum Procedure Act)		<i>Enhanced rights</i> Persons who reside in Germany pursuant to Section subs. 4a of the Residence Act do not require an approval by the Federal Employment Agency to take up work. There will be no priority check.	<i>Enhanced rights</i> Since 1 March 2015, victims of human trafficking may claim benefits pursuant to the Second and the Twelfth Book of the German Social Code if the general prerequisites are met.	<i>No change</i>		<i>No change</i>	<i>Enhanced rights</i> Compared to those within the asylum procedure, the right for family reunification may now be granted under specific conditions (Sec. 25 subs. 3 of the Residence Act) <i>Reduced rights</i> Persons granted int. protection may now face more restrictions to the right for family reunification (Sec. 25 subs. 3 of the Residence Act)

From	Into	Employment	Social security	Education	Duration of stay	Mobility	Family reunification
Suspended deportation (Sec. 60a of the Residence Act)	Victim of human trafficking (Section 25 subs. 4a of the Residence Act) – Continuation	<i>No change</i> Provided that the prerequisites set out in Sec. 32 of the Ordinance on Employment are met.	<i>Enhanced rights</i> If the prerequisites are met, holders may be entitled to unemployment benefits II.	<i>No change</i>		<i>No change</i>	<i>Reduced rights</i> Victims of human trafficking shall only be granted the right for family reunification in accordance with international law, on humanitarian grounds or in order to uphold the political interests of the Federal Republic of Germany (Sec. 25 subs. 3 of the Residence Act)

Source: Table based on Act on Temporary Employment Businesses, Asylum Procedure Act, Federal Training Assistance Act, Residence Act, General Administrative Regulation on the Residence Act, Ordinance on Employment, Act to Combat Clandestine Employment, German Criminal Code, German Social Code and the Act Concerning the Execution of Prison Sentences.

The content of this table was drawn up to the best of our knowledge as of October 2015 and was checked with care. Nevertheless, there is no claim for completeness. Furthermore, single changes may be related to specific constellations and may not be generalized.

3.3 Administrative practice in the handling of first time applications and status changes

This chapter describes the administrative procedures related to the issuance of a residence title and potential differences between the procedures for first time applications (from within the federal territory or from abroad) and a change of status from within the federal territory. It will deal with the following issues:

- Possibility to apply for a residence title online
- Processing and decision times
- Fees for the issuance of a residence title
- Documentary requirements
- Obligations if social security benefits are touched
- Duration of stay by type of residence title and purpose of stay.

As a rule, apart from an application for a national or Schengen visa, applications for residence titles must be made from within the federal territory and may not be made from abroad. However, the purpose of stay must already be given in the application for a national visa, and the application for a residence title required for a longer-term stay in Germany must be made soon after entering the country.

3.3.1 Online application for residence titles

Online applications for a residence title from abroad are not possible. Applications for a national visa, which nationals of most non-EU Member States require for a longer-term stay in Germany, must be made to the embassies or consulate generals of the Federal Republic of Germany abroad. These authorities will also grant the visa. It is not generally possible to apply for a visa online from within Germany. While several (larger) foreigners authorities offer the opportunity to apply online²², the application must always be made to the local foreigners authority. It is therefore impossible to make general statements on this issue. In any case, a visit to the foreigners authority in person is required, for example for the mandatory taking of fingerprints, which are stored in the electronic version of the residence title. As the authority is obliged to delete the fingerprint data once the residence title is issued, the applicant will need to provide his or her fingerprints again for the issuance of a new electronic residence title.

3.3.2 Processing and decision-making times

On the basis of two EU Regulations (Regulation (EC) No 1030/2002 and Regulation (EC) No 380/2008)²³, third-country nationals have been issued with an electronic residence title (e-residence title) in the Federal Republic of Germany instead of a vignette in the passport since 1 September 2011.²⁴ The e-residence title is a credit-card-sized document on which personal data, biometric features (photograph and fingerprints for applicants from the age of six) and subsidiary provisions to the residence title (e.g. restrictions concerning economic activities, geographic restrictions) are stored. Only authorised institutions can read these data. Both first-time and amended e-residence titles will be provided by the Federal Printing Works in Berlin and handed out to the applicant by the responsible foreigners authority. The processing time is usually four to six weeks. If only the subsidiary provisions to the existing residence title change, the foreigners authority may change this information on the e-residence title by itself. This can be done locally, so the procedure is considerably quicker.

²² For example, the registration office at Nuremberg offers an online template for first time applications for a residence title, extensions of a residence title or changes of a residence title: https://online-service2.nuernberg.de/intelliform/forms/n/330_ep/330_ep_d_at/index.

²³ Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals and Council Regulation (EC) No 380/2008 of 18 April 2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals.

²⁴ Vignettes in passports and passport substitutes will remain valid until expiry, however, at the latest until 31 August 2021.

3.3.3 Fees for the issuing of residence titles

The actual fees for the first time issuance of a residence title and for a change of status are set out in the Ordinance Governing Residence (Sections 44 – 54 of the Ordinance Governing Residence), with the maximum rates set out in the Residence Act (Section 69 of the Residence Act). The fee for the issuance of a national visa is EUR 60, whereas the first time issuance of a residence permit or an EU Blue Card with a validity of up to one year costs EUR 100 and with a validity of more than one year EUR 110; a settlement permit for highly qualified workers carries a fee of EUR 250, a settlement permit for self-employed persons of EUR 200 and for anyone else EUR 135. The same fees are levied for an EU long-term residence permit. Under certain circumstances, these fees may be reduced, for example by EUR 50 in order to prevent exceptional hardship (see Section 45b of the Ordinance Governing Residence). Other administrative acts related to residence rights (see Section 47 of the Ordinance Governing Residence) will also carry fees, for example applications for lifting or changing restrictions attached to the residence title. If the subsidiary provisions relate to employment, no fees will be levied for the changes (Section 47 subs. 2 of the Ordinance Governing Residence).

In addition, processing fees will be levied. The processing fee for an application for a settlement permit or an EU long-term residence permit will be half of the issuance fee mentioned above, that for an application for a residence permit which carries a fee or for an EU Blue Card will be equivalent to the issuance fee (Section 49 of the Ordinance Governing Residence). These fees can be waived or reduced for certain groups of persons, such as asylum applicants, spouses of German or foreign nationals who receive a grant from public funds for their stay in the federal territory (see Sec. 52 of the Ordinance Governing Residence) or who cannot ensure their livelihood without recourse to social security (Sec. 53 of the Ordinance Governing Residence), and for nationals of Switzerland (Sec. 52 subs. 2 of the Ordinance Governing Residence) and Turkey (Sec. 52 of the Ordinance Governing Residence).

Reductions or waivers for a change of the purpose of stay depend largely on the applicant's belonging to a certain group of persons or having a certain status and not so much on the change of residence title or purpose or on whether the application is made from within Germany or from abroad. Only in the case of the EU Blue Card, fees will differ depending on whether the residence title is issued for the first time or due to a change of status; instead of EUR 100 or 110, which are levied for the first time issuance of an EU Blue Card, a change of the purpose of stay and the resultant change of the residence permit will cost only EUR 90 (Section 45 subs. 3 of the Ordinance Governing Residence). Fees for the activation of certain additional functions of the electronic residence title (for example the qualified electronic signature or digital signature) differ as well. There is no fee for the first activation; afterwards, the fee will amount to EUR 6 (Section 45a of the Ordinance Governing Residence).

3.3.4 Requirements for documentary evidence

As a rule, key identification documents should already have been provided during the application for the current residence title. Therefore, it should usually not be necessary to produce them again for a change of the residence title or purpose of stay, unless the new residence title and/or purpose of stay requires additional documents, for example proof of the marital status in the country of origin for a marriage in Germany and a potential change of the residence title for family reasons.

3.3.5 Conditions for receiving social benefits

If third-country nationals want to touch social security benefits²⁵, they need to have their domicile or ordinary place of residence in Germany (Section 30 subs. 1 and 3 of the First Book of the German Social Code). Seasonal workers, asylum applicants and persons

²⁵ The Social Code contains provisions on the social security systems, on support benefits and on welfare benefits. The social security systems include health insurance (Book Five of the Social Code), the statutory pension scheme (Book Six of the Social Code), unemployment insurance (Book Three of the Social Code), accident insurance (Book Seven of the Social Code) and old-age care insurance (Book Eleven of the Social Code). This report focuses on the first three types of social security. In addition, there are certain support benefits. For example, families may receive child benefits (Income Tax Act, Act on Child Benefits) and parental benefits (Act on Parental Benefits and Parental Leave). Welfare benefits are the safety

whose deportation has been suspended do not meet this prerequisite, which is why the former may only touch social security benefits in case of irrefutable emergencies and any entitlements of asylum applicants and persons whose deportation has been suspended are set out in the Asylum-Seekers' Benefits Act. The amendment to the Asylum-Seekers' Benefits Act, which entered into force on 1 March 2015, entitles asylum seekers to touch benefits pursuant to the Twelfth Book of the German Social Code after having resided for 15 months in Germany. The period during which they were entitled to benefits under the Asylum-Seekers' Benefits Act was thus shortened from 48 to 15 months (Section 2 subs. 1 of the Asylum-Seekers' Benefits Act).

Third-country nationals and their dependants who are not employed or self-employed, whose right to stay in Germany is based on their search for a job or who touch benefits under the Asylum-Seekers' Benefits Act, for example persons whose deportation has been suspended, are excluded from basic welfare benefits for job seekers pursuant to the Second Book of the German Social Code (Section 7 subs. 1, second sentence of the Second Book of the German Social Code). In addition, they are only entitled to such benefits "if they are permitted to work or may obtain a work permit" (Müller/Mayer/Bauer 2014: 29). This means that third-country nationals who hold a residence permit for another purpose may, in principle, touch unemployment benefits II. However, doing so may violate the conditions for the issuance or extension of their residence title and lead to a revocation of the residence title.²⁶ The issuance of the individual residence titles usually requires third-country nationals to ensure their own subsistence and that of any dependants living in Germany (Section 5 subs. 1 no. 1, Section 9 subs. 2 no. 2 in conjunction with Section 2 subs. 3 of the Residence Act).²⁷ Young people and adolescents whose deportation has been suspended are exempt from this rule, as long as they are attending school education, vocational training or higher education. As long as they do so, the claiming of public benefits shall not preclude the granting of the residence permit pursuant to Section 25a subs. 1 of the Residence Act (granting of residence in the case of well integrated young people and adolescents).

Similar prerequisites apply for the receipt of welfare benefits: "Those residing in Germany who cannot secure a livelihood by their own means (income and wealth) or ability (through labour) or help from a third party can claim social subsistence benefits (see Section 27 of the Twelfth Book of the German Social Code)" (Müller/Mayer/Bauer 2014: 30). Third-country nationals whose sole purpose of residence is looking for work or who have entered Germany in order to touch welfare benefits are not entitled to welfare benefits (Section 23 subs. 3 of the Twelfth Book of the Social Code; Section 23 subs. 3 of the Twelfth Book of the Social Code). Otherwise, third-country nationals who meet the criteria set out above are, as a rule, entitled to welfare benefits, benefits in case of illness, benefits during pregnancy and maternity payments and old-age care benefits (Section 23 subs. 1, first sentence of the Twelfth Book of the Social Code); the extent of the assistance will depend on whether the third-country national is likely to remain permanently or temporarily in the federal territory. However, in many cases touching welfare benefits will run counter to the prerequisites for the issuance or extension of a residence title or may lead to the loss of a residence title (Frings 2008: marginal no. 222). Moreover, touching welfare benefits may lead to discretionary expulsion²⁸ by the authorities (Section 55 subs. 2 no. 6 of the Residence Act). These provisions do not apply to holders of a settlement permit or EU long-term residence permit, spouses and civil partners of Germans, minors and third-country nationals with a residence permit who entered Germany as minors or were born

net of the German social security system; they serve to provide the basic needs of existence (Books Two and Nine of the German Social Code, Asylum-Seekers' Benefits Act) (Frings 2008: marginal nos. 3 and 4).

²⁶ There may be some exemptions to this rule, for example for dependants of Germans, spouses and civil partners of foreigners pursuant to Sec. 30 subs. 1 of the Residence Act, children born in the federal territory and young returnees (Frings 2008: marginal no. 181; see also Müller/Mayer/Bauer 2014: 30).

²⁷ Subsistence is regarded as secure if no public benefits are claimed and if there is adequate health insurance coverage. This does not depend on the person in question actually touching public benefits, but on him or her being entitled to them (no. 2.3.4 of the General Administrative Regulation on the Residence Act). In this context, child benefits, children's allowances, parental benefits, educational and training assistance are not regarded as recourse to public funds (Section 2 subs. 3 of the Residence Act). Payments based on own contributions (for example unemployment benefits I) are not regarded as recourse to public funds either but as assets (see Müller/Mayer/Bauer 2014: 18). Moreover, subsistence may be secured by a third person's commitment to bear the living expenses of the person in question (pursuant to Section 68 of the Residence Act).

²⁸ In contrast to *mandatory* expulsion (Section 53 of the Residence Act) and *regular* expulsion (Section 54 of the Residence Act), a foreign citizen "may be expelled if his or her stay is detrimental to public safety and law and order or other substantial interests of the Federal Republic of Germany" (Section 55 subs. 1 of the Residence Act). Reasons for assuming that this is the case are listed in Section 55 subs. 2 – 11 of the Residence Act.

in Germany, provided that they have been lawfully resident in Germany for five years. Moreover, in reaching the decision on expulsion, due consideration shall be accorded to the duration of lawful residence, family ties and potential obstacles to deportation (Section 55 subs. 3 of the Residence Act).

Otherwise, these prerequisites may be waived only under special circumstances, for example if a higher-ranking right, such as the protection of family life, makes the issuance of a visa mandatory (see no. 5.1.1.2 of the General Administrative Regulation on the Residence Act). Moreover, the principle of proportionality must be observed; for example, a pregnant student's touching certain welfare benefits under the Social Code will not be an obstacle to the issuance or extension of a residence title (see no. 2.3.1.1 of the General Administrative Regulation on the Residence Act).

3.3.6 Length of stay by residence title and purpose of stay

The duration of stay differs by residence title and purpose of stay. In general, there is no difference between the first-time application for a residence title and a change of status. However, the duration of stay may differ depending on whether a residence title is issued for the first time or extended. Table 5 below gives an overview of the different durations of stay.²⁹

²⁹ Only those residence titles and purposes of stay are taken into account which are particularly relevant for this report. A number of exceptions and special rights of residence (e.g. Sections 37 – 39 of the Residence Act) were not taken into account.

Table 5: Time limitation for residence titles and purposes of stay

Visa (Schengen und national visa)	
Section 6 subs. 2 of the Residence Act (Schengen visa):	Issued for up to three months.
Section 6 subs. 3 of the Residence Act (national/D-type visa):	Usually issued for up to three months (during the stay the holder shall apply for and be issued with the residence title which is appropriate for the purpose of stay).
Residence permits	
Residence permits for education purposes (Sections 16, 17 and 17a of the Residence Act)	
Section 16 subs. 1 and 4 of the Residence Act (courses of study)	Issued for at least for one year if the course of study takes at least one year; for courses of study and preparatory measures for courses of study for two years at most. Extension by up to two years possible. After graduation a residence permit may be granted for up to 18 months for the purpose of seeking a job commensurate with the qualification.
Section 16 subs. 1a of the Residence Act (application for a course of study):	Issued for a total of nine months at most, with the stay under a national visa being included in this total and the initial permit being granted for six months at most.
Section 16 subs. 5 and 5b of the Residence Act (language courses, pupil exchange and school education)	Issued for a maximum of twelve months for language courses which do not serve to prepare the holder for a course of study, for participation in a pupil exchange and, in exceptional cases, for school attendance (after successful completion of a vocational qualification the residence permit may be extended by up to one year for the purpose of seeking a job commensurate with this qualification).
Section 17 of the Residence Act (other education)	Issued for two years, unless the basic or advanced industrial training takes less than two years. In that case the duration of the residence permit is limited to the duration of the basic or advanced industrial training; extension possible until the expected completion of the training (after successful completion of the vocational training, the residence permit may be extended by up to one year for the purposes of seeking a job commensurate with the qualification).
Section 17a of the Residence Act (recognition of foreign qualifications)	Issued for 18 months (if the foreign qualification is recognised as equivalent to a German qualification, the residence permit may be extended by up to one year for the purpose of seeking a job commensurate with the recognised qualification).
Residence permits for the purpose of economic activity (Sections 18, 18a, 20 and 21 of the Residence Act)	
Section 18 subs. 3 of the Residence Act (employment which does not require a vocational qualification and requires approval)	Residence permits for employment purposes which require approval are granted for the duration set out in the approval. This covers several types of employment which do not require a specific vocational qualification, for example jobs for au-pairs, which the Federal Employment Agency approves for up to one year (Section 12 of the Ordinance on Employment); domestic servants of intra-corporate transferees, which are approved for the duration of the stay, but for five years at most (Section 13 of the Ordinance on Employment); seasonal workers in certain areas of the economy, which are approved for up to six months per calendar year (Section 15a of the Ordinance on Employment); assistants to carniés, which are approved for up to nine months per calendar year (Section 15b of the Ordinance on Employment); domestic servants and necessary caregivers in households with people needing care, which are approved for up to three years (Section 15c of the Ordinance on Employment).
Section 18 subs. 3 of the Residence Act (employment which <i>does not</i> require a vocational qualification or approval)	Residence permits for employment contracts which do not require approval are, as a rule, granted for five years (there may be exceptions for managers (pursuant to Section 3 of the Ordinance on Employment) if there are doubts about the viability of the enterprise). The duration of residence permits for the purpose of temporary employment which does not require approval or a vocational qualification depends on the duration of the employment contract. This applies, for example, to internships of up to one year in the framework of certain programmes (Section 15 of the Ordinance on Employment).
Section 18 subs. 4 of the Residence Act (employment which requires a vocational qualification and <i>requires approval</i>)	Residence permits for employment purposes which require approval are granted for the duration set out in the approval. This covers several types of employment which require a specific vocational qualification, for example intra-corporate transferees of international enterprises or enterprise groups who have obtained a university degree or comparable qualification and receive approval by the Federal Employment Agency for up to three years (Section 10 subs. 1 of the Ordinance on Employment); language teachers for native-language lessons in schools for up to five years (Section 11 subs. 1 of the Ordinance on Employment); specialty cooks for up to four years (Section 11 subs. 2 of the Ordinance on Employment).
Section 18 subs. 4 of the Residence Act (employment which requires a vocational qualification and <i>does not</i> require approval)	Residence permits for employment contracts which do not require approval are, as a rule, granted for five years (there may be exceptions for managers (pursuant to Section 3 of the Ordinance on Employment) if there are doubts about the viability of the enterprise). The duration of the employment contract for temporary employment in jobs which require a specific vocational qualification, but do not require approval from the Federal Employment Agency will determine the duration of the residence title. This applies, for example, to professional sportspeople or sports trainers who will be employed by German sports clubs or comparable sports establishments which participate in competitions, provided the club or establishment, among other things, pays them a gross salary which amounts to at least 50% of the annual earnings ceiling for contributions to the statutory pensions scheme (Section 22 subs. 4 of the Ordinance on Employment).
Section 18a of the Residence Act (qualified persons whose deportation has been suspended for the purpose of employment which <i>requires approval</i>)	Residence permits for employment purposes which require approval are granted to persons whose deportation has been suspended for the duration set out in the approval. In case of jobs which require a specific qualification the person whose deportation has been suspended must have been lawfully resident in the federal territory for at least three months with a residence permit, due to a suspension of deportation or with a permission to stay (Section 32 subs. 1 of the Ordinance on Employment) and intend to take up one of the jobs set out in Section 18 subs. 4 of the Residence Act.

Section 18a of the Residence Act (qualified persons whose deportation has been suspended for the purpose of employment which <i>does not</i> require approval)	Residence permits for employment contracts which do not require approval are, as a rule, granted for five years (there may be exceptions for managers (pursuant to Section 3 of the Ordinance on Employment) if there are doubts about the viability of the enterprise). In the case of persons whose deportation has been suspended the duration of residence permits for the purpose of temporary employment which does not require approval also depends on the duration of the employment contract. For persons whose deportation has been suspended this includes an employment as a manager (Section 3 in conjunction with Section 32 subs. 2 no. 3 of the Ordinance on Employment), vocational training in a state-recognised or comparable regulated profession (Section 32 subs. 2 no. 2 of the Ordinance on Employment) or employment after they have been lawfully resident in the federal territory for at least four years with a residence permit, due to a suspension of deportation or with a permission to stay (Section 32 subs. 3 of the Ordinance on Employment).
Section 18c of the Residence Act (qualified skilled workers seeking employment)	Issued for up to six months, no extension possible.
Section 20 of the Residence Act (research)	Issued for at least one year, unless the research project is intended to take a shorter period of time. In that case, issued for the duration of the intended stay.
Section 21 of the Residence Act (self-employment)	Issued for a maximum of three years; afterwards, a settlement permit may be granted if the business is successful and subsistence is secure.
Residence permit under international law or on humanitarian or political grounds (Sections 22 – 26)	
Sections 22 – 26 of the Residence Act (general provisions; for exemptions see below)	Residence permits for reasons of international law or on humanitarian or political grounds are granted or extended for a maximum of three years, unless otherwise provided (see below); asylum applicants and recognised refugees within the meaning of Section 3 subs. 1 of the Asylum Procedure Act are granted a residence permit for three years.
Section 24 of the Residence Act (subsidiary protection)	Third-country nationals who are eligible for subsidiary protection pursuant to Section 4 subs. 1 of the Asylum Procedure Act are initially granted a residence permit for one year, which may be extended by two years.
Section 25 subs. 3 of the Residence Act (deportation ban)	If the prerequisites for a deportation ban pursuant to Section 60 subs. 5 or 7 of the Residence Act are met, third-country nationals are granted a residence permit for at least one year.
Section 25 subs. 4, first sentence and subs. 5 of the Residence Act (foreigners who are non-enforceably required to leave the federal territory)	Third-country nationals who are non-enforceably required to leave the federal territory pursuant to Section 25 subs. 4, first sentence or subs. 5 of the Residence Act are granted a temporary residence permit for a maximum of six months (provided that the third-country nationals has not yet been lawfully resident in the federal territory for at least 18 months).
Section 25 subs. 4a, first sentence, and subs. 4b of the Residence Act (victims of human trafficking or victims of a criminal offence under the Act to Combat Clandestine Employment or the Act on Temporary Employment Businesses)	Victims of human trafficking who have suffered sexual or work exploitation (Section 25 subs. 4a, first sentence of the Residence Act in conjunction with Sections 232, 233 or 233a of the German Criminal Code) or victims of a criminal offence under the Act to Combat Clandestine Employment or the Act on Temporary Employment Businesses (Section 25 subs. 4b of the Residence Act in conjunction with Section 10 subs. 1 or Section 11 subs. 1 no. 3 of the Act to Combat Clandestine Employment or Section 15a of the Act on Temporary Employment Businesses) are granted a residence permit for one year, which may be extended for one year.
Section 25 subs. 4a, third sentence of the Residence Act (victims of human trafficking who are willing to testify as a witness in the criminal proceedings)	If a victim of human trafficking is willing to testify as a witness in the criminal proceedings relating to the offence (Section 25 subs. 4a, third sentence of the Residence Act), the residence permit is granted and extended for two years.
Residence permit for family reasons (Sections 27 – 36)	
Sections 27 – 36 of the Residence Act (residence for family reasons)	Granted at most for the duration of the residence permit of the foreign partner who is joined. Otherwise, initially for at least one year (for possibilities to obtain a settlement permit see below). If the person in question is or was obliged to attend an integration course pursuant to Section 44a subs. 1, first sentence of the Residence Act, the residence permit shall be extended for a maximum of one year if he or she has not successfully completed the integration course or has not yet furnished evidence that he or she has achieved integration into the community and society by other means (Section 8 subs. 3, sixth sentence of the Residence Act).
Settlement permits and EU long-term residence permits	
Section 9 of the Residence Act (settlement permit)	Permanent.
Section 9a of the Residence Act (EU long-term residence permit)	Permanent.
Section 18b of the Residence Act (settlement permit for graduates of German universities)	Permanent.
Section 19 of the Residence Act (settlement permit for highly qualified foreigners)	Permanent.

Section 19a subs. 6 of the Residence Act (settlement permit for EU Blue Card holders)	Holders of an EU Blue Card are to be issued with a settlement permit if they have held a position of employment for at least 33 months and have made mandatory or voluntary contributions to the statutory pension insurance scheme for that period, or if they furnish evidence of an entitlement to comparable benefits from an insurance or pension scheme or from an insurance company, if certain further requirements are met and if they have basic German language skills. This period shall be reduced to 21 months if the foreigner has a sufficient command of the German language (language level B1).
Section 19a subs. 4 of the Residence Act (settlement permit for self-employed foreigners)	A settlement permit may be granted after three years of holding a residence permit.
Section 23 subs. 2 of the Residence Act (admission when special political interests apply)	In order to safeguard special political interests of the Federal Republic of Germany, in consultation with the supreme Land authorities the Federal Ministry of the Interior may order foreigners from specific states or certain categories of foreigners defined by other means to be granted approval for admission. The foreigners concerned shall be issued with a residence permit or settlement permit. The settlement permit may be issued subject to a condition restricting the permissible place of residence.
Section 26 subs. 4 of the Residence Act (settlement permit for foreigners who were granted a residence permit under international law or on humanitarian or political grounds)	A person who has held a residence permit for five years can be issued with a settlement permit if certain other preconditions are met (such as secure subsistence, payment of compulsory or voluntary contributions to the statutory pension scheme for at least 60 months or entitlement to comparable benefits and other preconditions, see Section 9 subs. 1, first sentence, nos. 2 – 9 and Section 9 subs. 2, second to sixth sentence of the Residence Act).
Section 28 subs. 2 of the Residence Act (settlement permit for foreigners joining a German)	As a rule, a settlement permit shall be granted after the person in question has held a residence permit for three years.
Section 31 subs. 3 of the Residence Act (independent right of residence of spouses)	After the termination of marital cohabitation and if several other preconditions are met, the spouse shall be granted a settlement permit.
Section 35 of the Residence Act (independent permanent right of residence of children)	A minor third-country national who holds a residence permit for family reasons shall be granted a settlement permit if he or she has held a residence permit for five years on reaching the age of 16. The same applies if the third-country national is of age and has been in possession of the residence permit for five years, he or she has a sufficient command of the German language, and his or her subsistence is ensured or he or she is undergoing education or training (for details see Section 35 subs. 1, second sentence, for grounds for refusal see subs. 3 and for waivers of some of the prerequisites see subs. 4 of the Residence Act).
EU Blue Card	
Section 19a of the Residence Act (EU Blue Card)	The EU Blue Card is initially issued for a maximum of four years. Where the duration of the employment contract is less than four years, the EU Blue Card shall be issued or extended for the period covering the employment contract plus three months (Section 19a subs. 3 of the Residence Act). See above for more details on a potential issuance of a settlement permit.

Source: For the information on Sections 18 and 18a of the Residence Act see Landesamt für Bürger- und Ordnungsangelegenheiten – Ausländerbehörde Berlin 2015: 62; otherwise: Act on Temporary Employment Businesses (AÜG), Asylum Procedure Act, Residence Act, General Administrative Regulation on the Residence Act, Ordinance on Employment (BeschV), Act to Combat Clandestine Employment, Criminal Code.

The content of this table was drawn up to the best of our knowledge and was checked with care. Nevertheless, there is no claim for completeness.

3.3.7 Extension of the period of stay by requesting a status change

Under certain circumstances, the validity of the initial residence title can be extended beyond the initial date. This is the case if, before the expiry of a residence title, a third-country national applies for the extension of the existing title or for a different residence title and if the processing by the authorities takes more time than that which remains under the current title. In that case “the current residence title shall be deemed to remain in force from the time of its expiry until the time of the decision by the foreigners authority. This shall not apply to visas pursuant to Section 6 (1). If the application to issue or extend a residence title was filed too late, the foreigners authority may order that the previous residence title continues to apply in order to avoid undue hardship” (Section 81 subs. 4 of the Residence Act). If the application for an extension or change of residence title is filed too late, “deportation shall be deemed to be suspended from the time of application up to the time of the decision by the foreigners authority” (Section 81 subs. 3, second sentence of the Residence Act).

If a third-country national applies for asylum, a potential exemption from the obligation to hold a residence title and an existing residence title with an overall validity of up to six months shall be cancelled. In contrast, an existing residence title with an

overall validity of more than six months shall remain unaffected (Section 55 subs. 2 of the Asylum Procedure Act). Moreover, the foreigners authority may extend a residence title despite the application for asylum (Section 10 subs. 2 of the Residence Act). If an asylum application has been finally refused or if the applicant has taken back his or her application, he or she may only be granted a residence title for reasons of international law or on humanitarian or political grounds, “for example under the right to stay pursuant to Section 23 subs. 1 or in case of a positive ruling by the hardship commission of the Land government or the senate” (no. 10.3.1. of the General Administrative Regulation on the Residence Act). If an asylum application is rejected as being manifestly unfounded (Section 30 subs. 3 nos. 1 to 6 of the Asylum Procedure Act), no residence title may be granted before the foreigner has to leave Germany.

3.4 Information offers concerning the possibilities to change the status

Depending on the purpose of stay, different stakeholders provide (sometimes comprehensive) information about potential changes of status. Information offers targeted at specific groups of persons are particularly noteworthy. For example, national institutions such as the German Academic Exchange Services (Deutscher Akademischer Austauschdienst, DAAD 2015), the online platform www.Make-it-in-Germany.com³⁰, which is supported by the Federal Ministry for Economic Affairs and Energy, the Federal Ministry for Labour and Social Affairs and the Federal Employment Agency, and numerous universities³¹ and state and local authorities (see, for example, Behörde für Inneres und Sport Hamburg 2014; Sächsisches Staatsministerium des Innern o. A.) provide information material for international students, which usually contains information on the residence provisions after successful graduation.

Recently, the Federal Employment Agency has started to actively prepare information for employers about possible changes of status and legal prerequisites for the employment of recognised refugees. This material contains information about the school and vocational qualifications of refugees obtained in their countries of origin and adds that refugees “tend to be more motivated, have considerable initiative of their own and are very much willing to learn and work” because many of them hope to support their family back in the country of origin (BA 2015b: 2). This above-average motivation partially compensates “for a lack of language skills and certified professional knowledge” (BA 2015b: 2). The Federal Ministry of the Interior³², the Federal Employment Agency (2015a: 16 et seq.), business associations such as the Chambers of Industry and Commerce³³, numerous local authorities³⁴ and NGOs (Netzwerk Bleiberecht Stuttgart-Tübingen-Pforzheim 2014; GGUA Flüchtlingshilfe 2014a) also provide information about a change of status from the suspension of deportation to a residence permit.

NGOs and specialised advisory centres provide victims of human trafficking with information on important residence law issues, possibilities to apply for a residence permit pursuant to Section 25 subs. 4a and 5 of the Residence Act and options to have their family join them in Germany (see KOK 2015).

Information on how to switch from a residence permit into a settlement permit and on the specific prerequisites, depending on the purpose of stay, is mostly provided by the local authorities, the foreigners authorities and the resident registration offices on

³⁰ For information which is explicitly targeted at university graduates see: <http://www.make-it-in-germany.com/de/fuer-fachkraefte/ausbildung-lernen/studium/studium-in-deutschland-und-dann/aufenthaltstitel>. The internet page www.arbeiten-in-deutschland.info, which is supported by the IQ Netzwerk Mecklenburg-Vorpommern with the participation of the Federal Ministry for Labour and Social Affairs, the Federal Ministry of Education and Research and the Federal Employment Agency, provides a similar online information platform.

³¹ See, for example, Humboldt-Universität zu Berlin: https://www.international.hu-berlin.de/de/studierende/aus-dem-ausland/wegweiser/10_nach_dem_studium/10_1_2.

³² FAQs (in German) by the Federal Ministry of the Interior on residence-law issues and concerning the question: “Under which circumstances migrants can obtain a residence permit instead of a suspension of deportation”: <http://www.bmi.bund.de/SharedDocs/FAQs/DE/Themen/Migration/Auslaenderrecht/16.html>.

³³ E.g. Bremen Chamber of Commerce: https://www.handelskammer-bremen.de/Ausbildung_und>Weiterbildung/Ausbildung_Fluechtlinge/Beschaeftigung_Fluechtlinge/2764892.

³⁴ For example the city of Bremerhaven: <http://www.bremerhaven.de/buergerservice/aemter-einrichtungen/stadtverwaltung/buerger-und-ordnungsamt/was-wird-aus-meiner-duldung.13914.html>.

their websites³⁵ or in consultation centres. Personal consultations at the authority which grants the residence title offer the possibility to discuss other options and requirements for changes of status.

4 Goals of enabling or restricting status changes

Recently, there have been intense public and academic discussions about changes of status, which have made it easier or more difficult for certain groups of persons to initiate a change of status or obtain a residence title; several provisions were relaxed, other requirements were tightened. Students who want to remain in Germany after the successful completion of their studies or their school vocational training are a good example. In addition, (extended) residence permits for persons whose deportation has been suspended and who have been resident in the federal territory for years and for victims of human trafficking were created.

4.1 Political debates and declared goals

On 1 August 2015, the Act on Amendments to the Right to Stay and the Termination of Stay led to several amendments to the residence law. For example, it is now easier for well integrated adolescents whose deportation has been suspended to remain in Germany (Section 25a of the Residence Act, see chapter 2.2.4), and persons whose deportation has been suspended can now obtain a residence permit after eight years or, if they have family, after six years (Section 25b of the Residence Act, see chapter 2.2.4). However, these amendments do not apply to persons who have deceived the authorities about their identity or refused to work with the authorities to create passports for their removal. This provision is criticised by refugee organisations in particular (see Flüchtlingsrat Baden-Württemberg 2015).

Changes of status by third-country nationals are part of an overarching strategy to secure the labour force in Germany. The progress report on the federal government concept for qualified workers lists five key areas of activity to secure the labour force (BMAS 2015). These are:

1. Activation of the labour force and protection of employment
2. A better work-life balance
3. Education opportunities for everyone
4. Qualification: basic and advanced training
5. Integration and qualified migration.

Migrants are one of the key issues in the latest progress report, with no explicit distinction being made between EU citizens and third-country nationals. Nevertheless, third-country nationals are mentioned as a specific group in the concept for securing a basis of qualified workers, as it is likely that many of the EU citizens who have come to Germany in the wake of the European economic crisis will return once the economic situation in their home countries improves. Moreover, just like Germany, many EU countries will be faced with demographic challenges and a decline in the working-age population in the medium to long term, which is why labour demand is likely to rise in all EU countries in the foreseeable future. Most long-term forecasts for the demographic development in Germany are based on this assumption (Vollmer 2015b).

The prerequisites for changes of status of third-country nationals are in line with this overall strategy. For example, family reunification can help to activate workforce reserves, as a change of residence status into a title used for family reunification may imply easier labour market access. The goal of a better work-life balance may be achieved as well. However, it is not families (whose potential may be grossly underrated) who are at the centre of the public debate. Rather, the discussion focuses on other groups of

³⁵ For example on the online service portal of Berlin: <https://service.berlin.de/dienstleistung/121864/> or the website of the Nuremberg resident registration office: <https://www.nuernberg.de/internet/einwohneramt/niederlassungserlaubnis.html>.

persons, above all students and academic employees. In particular, students of the so-called MINT subjects play a major role in the debate, as a significant number of third-country nationals are reading these subjects (for example science and engineering) and past experience has shown that about 44% of the foreign students start to work in Germany after their graduation (Koppel 2015; Mayer et al. 2012; Vollmer 2015b).

While the political discussion has focused on students and university graduates in the last few years, migrants who have completed vocational training (including foreigners whose deportation has been suspended) is getting more and more attention (see, for example BMWi 2014; Kreienbrink 2014), as it is difficult to find skilled workers in numerous jobs which require vocational training. People who have completed vocational training may seek for a job commensurate with their qualifications in Germany and change their status from a residence title for educational reasons (Section 17 of the Residence Act) to a residence title for remunerated activities reasons (Section 18 of the Residence Act). Against the background of the good economic situation, this part of the vocational training and labour market offers opportunities to asylum applicants. With refugees increasingly coming to Germany, the question arises of how to make it easier to get access to the labour market not only for recognised refugees, but also for asylum applicants who have a chance to stay in Germany in the medium to long term. At the moment, the Federal Employment Agency and the Federal Office for Migration and Refugees are jointly conducting several pilot projects to explore access and support options. The recognition of the qualifications of third-country nationals who are still undergoing an asylum procedure is an important aspect in these efforts. At the moment there are only estimates (Gillmann/Specht 2015) of the number of refugees who have attended grammar school or university or undergone vocational training or a similar measure. There is currently no extensive evaluation of the qualifications of refugees, which is why the question of integration is getting increasingly urgent (see Hanganu/Kolland/Neske 2015). The most important agents in the political and economic spheres agree that education is the best way into the labour market, be it in the form of additional qualifications which supplement qualifications from the countries of origin or in the form of basic education measures for those refugees who have small or no formal qualifications or cannot prove them due to a lack or loss of documentation. A joint position paper of the Confederation of German Employers' Associations (Bundesvereinigung der Deutschen Arbeitgeberverbände, BDA), the Federation of German Industries (Bundesverband der Deutschen Industrie, BDI), the Association of German Chambers of Commerce and Industry (Deutscher Industrie- und Handelskammertag, DIHK) and the German Confederation of Skilled Crafts (Zentralverband des Deutschen Handwerks, ZDH) says that "recognised victims of persecution who live in Germany should benefit from education, training and work as quickly as possible. This is the best way towards long-term integration and a quick termination to reliance on social security. Learning the language is key for that goal. That is why language lessons need to be extended quickly and massively. Children and adolescents must be integrated in schools right from the beginning. Kindergartens, schools and vocational training centres must receive the necessary resources and teachers" (see DIHK 2015).

In this context, the Chambers of Industry and Commerce (IHKs) and the Chambers of Trade (HWKs) have called for removing qualified asylum applicants quickly from the asylum procedure or the protection status if they have found a job. This demand has two aims, which are (or could be) supported by other economic associations. First, qualified asylum applicants are to get easier access to the labour market, for example by starting basic or advanced industrial training; second, the Chambers of Industry and Commerce and the Chambers of Trade are interested in reassuring employers who train the (mostly young) people that their apprentices have a right to stay. For persons whose deportation has been suspended it has been made easier to start vocational training in 2014 (see above and BAMF 2015b; GGUA Flüchtlingshilfe 2014b). The associations use these legal amendments as a basis, but go beyond them and focus not only on access to the labour market, but also point out that recognised refugees and asylum applicants tend to have an entrepreneurial mindset. In this context, they have welcomed the fact that the government coalition has re-examined the ban on temporary employment and lifted it at the end of October 2015 with the Ordinance Concerning the Act on the Acceleration of Asylum Procedures. The associations demand that the current rules concerning the priority check and the minimum wage should be re-examined as well (DIHK 2015).

The positions of the employee associations are not fundamentally different from those of the employers in terms of education and labour market access for refugees. The Confederation of German Trade Unions (Deutscher Gewerkschaftsbund, DGB) says in a guideline issued in March 2015 that language lessons should be intensified and the conditions for access to education and employment improved. The DGB, too, criticises that employers cannot be sure about how long foreigners – who have sometimes been in Germany for years – are permitted to stay. At the same time it says that the legal bases created in the past, for example for well-integrated adolescents or other foreigners whose deportation has been suspended, have not really removed the high administrative obstacles to a secure stay in Germany. While this group of foreigners has to secure their subsistence by work, they are not sure about how long they are allowed to remain in Germany. This makes them susceptible to precarious employment. That is why the DGB demands that educational institutions and the labour market to refugees should be opened to refugees and that, at the same time, illegal employment, exploitation, human trafficking and wage dumping should be fought (DGB 2015: 21 et seq.).

The discussion about access to the labour market and education for asylum applicants and persons whose deportation has been suspended is in full swing and far from over. In regular intervals, different players repeat a number of calls and positions, with the ideas about the content of the legal instruments being considerably different between the different interest groups. The main thrust of the arguments of the discussion, which has been summarised in brief above, focuses on opening up the labour market.

In this context, the potential of student drop-outs in Germany is increasingly evaluated and discussed. So far, foreigners who are resident in Germany on the basis of a residence permit for education purposes pursuant to Section 16 of the Residence Act are not permitted to start vocational training and thus switch to a residence title pursuant to Section 17 of the Residence Act if they break off their studies (banned in Section 16 subs. 2 of the Residence Act). While such a change is possible in principle, it requires students to leave the country and re-enter it with a new visa with a new purpose.

4.2 Scientific studies on status changes

So far, no exhaustive study on changes of status is available. However, there are several publications which deal with selected cases and problems. One of the most comprehensive and detailed studies is the so-called “Migration Monitoring” by the Federal Office for Migration and Refugees (BAMF), which is published quarterly and contains and analyses data of the Federal Office, the Federal Employment Agency and the passport and visa departments of the German foreign representations abroad. The Migration Monitoring gives an overview of foreign migration to Germany, broken down and analysed by the different purposes of stay. The quantitative analysis, which is based on data from the Central Register of Foreigners, shows that most stays are for the purpose of education or employment. It also deals with selected changes of status. For example, the latest Migration Monitoring covers switches by third-country nationals who are resident in Germany for the purpose of education or vocational training pursuant to Sections 16 and 17 of the Residence Act into a residence status for remunerated activities reasons, for example pursuant to Section 18 or Section 19a of the Residence Act (EU Blue Card) (BAMF 2014b; Rühl/Schmidt 2015). In addition, switches between residence titles for education purposes (Section 16 of the Residence Act) or qualified employment (Section 18 subs. 4 of the Residence Act) and residence titles for self-employment (Section 21 subs. 1 – 4 of the Residence Act) or a profession (Section 21 subs. 5 of the Residence Act) are captured and documented.

The study “Beschäftigung ausländischer Absolventen deutscher Hochschulen” (Hanganu/Heß 2014), which was published in 2014 by the Federal Office for Migration and Refugees, is based on an analysis of primary data for a group which has got particular attention from politics and business in the last few years. The analysis relies on data from the Central Register of Foreigners and two surveys, which were first conducted in 2013. A representative survey was held among former holders of a residence title for education purposes (Section 16 of the Residence Act) who were still resident in Germany. Moreover, a non-representative survey took place among third-country nationals who had been resident in Germany for education purposes. The data from this survey were analysed as well. The evaluation of the data from the Central Register of Foreigners used 2005 as a reference year; back then,

about 236,500 third-country nationals resided in Germany under a residence title for education purposes. As of 30 September 2013, about 165,800 of them no longer held such a residence title. 92,700 of these 165,800 persons still resided in Germany with another residence title, which means that about 56% of the former students stayed in Germany after graduation. According to the analysis, 6% of them held a residence title which permitted them to search for a job, 24% one for remunerated activities reasons and 31% one for family reasons. 10% of the former students held a permanent residence title pursuant to Sections 9 or 9a of the Residence Act, 10% another residence title and 19% had filed an application for a residence title after graduation (Hanganu/Heß 2014: 5 – 8).

Politicians and businesspeople are particularly interested in students of the so-called MINT subjects, not only because many third-country nationals are reading these subjects, but also because there are shortages of engineers and scientists in some economic areas and/or regions in Germany (Vollmer 2015b). While there is no general lack of skilled workers in Germany, the demographic developments and the likely decline in working-age population will make students from foreign countries increasingly important for securing a skilled workforce. 38% of the graduates surveyed for the study who were still resident in Germany worked in a MINT job. The number of those who worked in temporary jobs was lower than in other groups of graduates, and they achieved higher average incomes. Many of them came from Asia, the Middle East or African countries. Graduates in other subjects (such as law, economics, social science, humanities or medicine) came more often from North America or the CIS countries, in particular the Russian Federation (Hanganu/Heß 2014: 177).

Out of those who answered questions about their gross annual income during the survey (3,779 out of a total of 4,542), 44% earned between EUR 35,000 and EUR 55,000, a bit more than 40% earned less than EUR 35,000 and about 16% more than EUR 55,000. A large majority worked full time at the time of the survey (Hanganu/Heß 2014: 188 – 195), which means that, as university graduates, the status switchers make a valuable contribution to the economy and the total tax revenue.

5 Conclusion

Changes of residence titles and purposes of stay are a common practice in Germany. From a quantitative vantage point, changes of status from a residence title issued for study purposes to a residence or settlement permit for remunerated activities reason, an EU Blue Card or a residence permit for family reasons make up the largest number. Switches from a residence title granted for work purposes to an EU Blue Card or to a settlement permit for graduates of German universities were the second large group of applications. There are dozens of other changes of status every year, even though the numbers are smaller (see Chapter 3 and the Appendix). The sheer number of potentially affected third-country nationals or beneficiaries has not always been the decisive factor for making certain changes of status possible. In some cases, potential status changes were explicitly tailored to specific groups of persons and may therefore be used only by a small number of persons. Prominent examples under the German Residence Act are victims of human trafficking or highly qualified persons whose deportation has been suspended.

In Germany, the legal conditions for granting a specific residence title usually focus mainly on the title which is to be granted, not so much on the title which is to be exchanged for another one. If the conditions for the issuance of a specific residence title are met, a change of status is usually possible, even from within Germany (i.e. without leaving the country), unless there are specific restrictions. Changes of status are restricted during a course of study, professional training, for third-country nationals in an asylum procedure and rejected asylum seekers and for Schengen visa holders. Moreover, it is impossible to switch into a new residence title for the purpose of remunerated activities reasons if the current residence title already permits its holder to work. In addition, it may be a matter of discretion for the responsible foreigners' authority to permit a change of status and grant a residence title (under certain conditions) or not. Practices may vary, depending on the responsible foreigners' authority.

Chapter 3 has shown that the different residence titles for different purposes of stay may imply far-reaching social and political rights or restrictions to such rights. Holders of an EU Blue Card, a settlement permit or an EU long-term residence permit have particularly far-reaching rights, as do family members of holders of such residence titles.

Overall, changes of status have become easier for numerous groups of persons and status, not least due to the transposition of EU directives into national law. For example, in 2012 university graduates were granted a longer term of stay (18 instead of 12 months, as was the case until 2005), to search for a job commensurate with their qualifications and access to self-employment. In addition, foreigners who completed school or industrial training were given one year to search for a job. Also in 2012, the EU Blue Card was introduced, which grants easier mobility within the EU in comparison to the settlement permit for highly qualified workers. In addition, a new residence permit with a duration of up to six months for qualified persons whose deportation has been suspended was introduced for the purpose of searching a job. A residence permit for employment purposes for qualified persons whose deportation has been suspended had already been introduced in 2009. It has also become easier to obtain a residence permit for well-integrated adolescents and young people (Section 25a of the Residence Act) and persons whose deportation has been suspended and who have become integrated lastingly into the way of life in the Federal Republic of Germany (Section 25b of the Residence Act). Victims of human trafficking are now finding it easier to obtain a residence permit as well (Section 25 subs. 4a and 4b of the Residence Act).

6 Appendix

Table 6: First instance and subsequent applications for asylum in Germany (2010-2014)

	2010	2011	2012	2013	2014
Germany	48,475	53,235	77,485	126,705	202,645

Source: Eurostat (migr_asyappctza).

Table 7: Third-country nationals holding a valid residence permit by purpose of stay (2010-2014)

Purpose of stay	2010	2011	2012	2013	2014
Family reasons	1,368,389	1,460,107	1,523,286	1,494,354	1,535,898
Education reasons	118,256	104,820	115,692	126,563	141,063
Remunerated activities reasons	69,792	73,731	84,985	90,455	102,104
Total*	3,743,931	3,692,154	3,745,606	3,542,944	3,623,807

* The line "Total" covers all foreigners who reside in Germany and hold a residence title.

Source: Eurostat (migr_resvalid); data as of 31 December of each year.

Table 8: Number of issued EU Blue Cards in Germany (2012-2014)

	2010	2011	2012	2013	2014
EU Blue Cards issued in Germany	x	x	2,584	11,580	12,108

* Not applicable, as the EU Blue Card was not introduced until 2012.

Source: Eurostat (migr_resbc1).

Table 9: Number of granted residence and settlement permits for the purpose of qualified or highly qualified employment (2010-2014)

	2010	2011	2012	2013	2014
Number of granted permits*	•	•	50,409	42,180	43,531

Numbers marked • are unknown or to be kept secret, as they are below the minimum value of 3

* The figures cover residence permits for qualified workers (Section 18 subs. 4 of the Residence Act) for qualified persons whose deportation has been suspended for employment purposes (Section 18a of the Residence Act), for qualified workers for the purpose of looking for a job (Section 18c of the Residence Act), for researchers (Section 20 of the Residence Act), for self-employed persons (Section 21 subs. 1, 2 and 2a of the Residence Act), for professionals (Section 21 subs. 5 of the Residence Act), settlement permits for graduates of German universities (Section 18b of the Residence Act) and highly qualified persons (Section 19 of the Residence Act); Section 17a of the Residence Act, which permits residence for the purpose of having a foreign vocational qualification recognised, was not taken into account, as it was not introduced until 2015.

Source: Migration Monitoring 2012-2014 (Rühl/Schmidt 2015; BAMF 2013; BAMF 2014b).

Table 10: Number of issued residence permits for victims of trafficking (2010-2012)

	2010	2011	2012
Number of issued residence permits	36	19	23

Source: Eurostat 2015: 104.

Table 11: Status changes between selected purposes of stay: family reasons, education and employment (2010-2014)

	Switch from:	Switch into:	2010	2011	2012	2013	2014
Germany	Family reasons	Education reasons	166	232	184	204	181
		Remunerated activities reasons	207	307	261	331	407
	Education reasons	Family reasons	4,608	6,533	3,901	3,947	4,259
		Remunerated activities reasons	4,951	8,198	5,876	6,660	7,377
	Remunerated activities reasons	Family reasons	1,540	2,366	1,531	1,601	1,612
		Education reasons	2,014	2,645	2,122	2,156	2,349

Source: Eurostat (migr_reschange).

Table 12: Status changes in detail (2010-2014)

Switch from:	Switch into:	2011	2012	2013	2014	Data cover only main applicants	Data cover main applicants and their dependants	Source and further information
Family (Sec. 27 – 36 of the Residence Act)	Research (Section 20 of the Residence Act)	3	3	4	5	-	✓	Central Register of Foreigners
	Education I: University studies, application for a course of study, job search after graduation or completion of school education to acquire vocational qualification (Sec. 16 of the Residence Act)	201	155	173	145	-	✓	Central Register of Foreigners
	Education II: Other (industrial) training (Section 17 of the Residence Act)	31	27	29	31	-	✓	Central Register of Foreigners
	EU Blue Card (Section 19a subs. 1 of the Residence Act)	na*	18	112	138	-	✓	Central Register of Foreigners
	Highly qualified worker (Sections 18b, 18c, 19 of the Residence Act)	20	22	24	19	-	✓	Central Register of Foreigners
	Employment (Sections 18, 18a*** of the Residence Act)	255	177	148	157	-	✓	Central Register of Foreigners
	Self-employed professional (Section 21 subs. 5 of the Residence Act)	14	11	13	9	-	✓	Central Register of Foreigners
	Business owner (Section 21 subs. 1 – 4 of the Residence Act)	15	16	7	45	-	✓	Central Register of Foreigners
	Victim of human trafficking (Section 25 subs. 4a and 4b of the Residence Act)	0	0	•	0	-	✓	Central Register of Foreigners
Education I: University studies, application for a course of study, job search after graduation or completion of school education to acquire vocational qualification (Section 16 of the Residence Act)	Family (Sections 27 – 36 of the Residence Act)	6,318	3,450	3,481	3,709	-	✓	Central Register of Foreigners
	Education II (Section 17 of the Residence Act)	ni	ni	ni	ni	-	✓	Central Register of Foreigners
	Research (Section 20 of the Residence Act)	51	44	57	46	-	✓	Central Register of Foreigners
	EU Blue Card (Section 19a subs. 1 of the Residence Act)	na	411	1,594	2,031	-	✓	Central Register of Foreigners
	Highly qualified worker (Sections 18b**, 19 of the Residence Act)	34	28	36	48	-	✓	Central Register of Foreigners
	Employment (Sections 18, 18a*** of the Residence Act)	6,705	4,233	3,292	3,788	-	✓	Central Register of Foreigners
	Self-employed professional (Section 21 subs. 5 of the Residence Act)	408	261	256	305	-	✓	Central Register of Foreigners
	Business owner (Section 21 subs. 1 – 4 of the Residence Act)	92	70	96	126	-	✓	Central Register of Foreigners
	Victim of human trafficking (Section 25 subs. 4a and 4b of the Residence Act)	0	•	0	0	-	✓	Central Register of Foreigners
Education II: Other (industrial) training (Section 17 of the Residence Act)	Family (Sections 27 – 36 of the Residence Act)	215	140	183	185	-	✓	Central Register of Foreigners
	Education I (Section 16 of the Residence Act)	ni	ni	ni	ni	-	✓	Central Register of Foreigners
	Research (Section 20 of the Residence Act)	12	•	10	4	-	✓	Central Register of Foreigners

	EU Blue Card (Section 19a subs. 1 of the Residence Act)	na	167	748	412	-	✓	Central Register of Foreigners
	Highly qualified worker (Sections 18b, 18c, 19 of the Residence Act)	9	5	5	6	-	✓	Central Register of Foreigners
	Employment (Sections 18, 18a* of the Residence Act)	872	644	518	551	-	✓	Central Register of Foreigners
	Self-employed professional (Section 21 subs. 5 of the Residence Act)	15	4	10	9	-	✓	Central Register of Foreigners
	Business owner (Section 21 subs. 1 – 4 of the Residence Act)	0	•	•	•	-	✓	Central Register of Foreigners
	Victim of human trafficking (Section 25 subs. 4a and 4b of the Residence Act)	0	0	0	0	-	✓	Central Register of Foreigners
Victim of human trafficking (Section 25 subs. 4a and 4b of the Residence Act)	Family (Sections 27 – 36 of the Residence Act)	0	6	•	•	-	✓	Central Register of Foreigners
	Education I (Section 16 of the Residence Act)	0	0	0	•	-	✓	Central Register of Foreigners
	Education II (Section 17 of the Residence Act)	0	0	0	0	-	✓	Central Register of Foreigners
	Research (Section 20 of the Residence Act)	0	0	0	0	-	✓	Central Register of Foreigners
	EU Blue Card (Section 19a subs. 1 of the Residence Act)	na	0	0	0	-	✓	Central Register of Foreigners
	Highly qualified worker (Sections 18b, 18c, 19 of the Residence Act)	0	0	0	0	-	✓	Central Register of Foreigners
	Employment (Sections 18, 18a* of the Residence Act)	0	0	0	0	-	✓	Central Register of Foreigners
	Self-employed professional (Section 21 subs. 5 of the Residence Act)	0	0	0	0	-	✓	Central Register of Foreigners
	Business owner (Section 21 subs. 1 – 4 of the Residence Act)	0	0	0	0	-	✓	Central Register of Foreigners
Research (Section 20 of the Residence Act)	Family reasons (Sections 27 – 36 of the Residence Act)	•	7	18	9	-	✓	Central Register of Foreigners
	Education I (Section 16 of the Residence Act)	7	6	16	19	-	✓	Central Register of Foreigners
	Education II (Section 17 of the Residence Act)	0	0	•	3	-	✓	Central Register of Foreigners
	Victim of human trafficking (Section 25 subs. 4a and 4b of the Residence Act)	0	0	0	0	-	✓	Central Register of Foreigners
EU Blue Card (Sec. 19a of the Residence Act)	Family reasons (Sections 27 – 36 of the Residence Act)	na	0	14	36	-	✓	Central Register of Foreigners
	Education I (Section 16 of the Residence Act)	na	0	13	22	-	✓	Central Register of Foreigners
	Education II (Section 17 of the Residence Act)	na	0	4	4	-	✓	Central Register of Foreigners
	Victim of human trafficking (Section 25 subs. 4a and 4b of the Residence Act)	na	0	0	0	-	✓	Central Register of Foreigners

Highly qualified worker and search for a job (Sections 18b, 18c, 19 of the Residence Act)	Family reasons (Sections 27 – 36 of the Residence Act)	6	0	15	22	-	✓	Central Register of Foreigners
	Education I (Section 16 of the Residence Act)	0	•	3	15	-	✓	Central Register of Foreigners
	Education II (Section 17 of the Residence Act)	0	0	3	3	-	✓	Central Register of Foreigners
	Victim of human trafficking (Section 25 subs. 4a and 4b of the Residence Act)	0	0	0	0	-	✓	Central Register of Foreigners
Employment (Sections 18, 18a* of the Residence Act)	Family reasons (Sections 27 – 36 of the Residence Act)	2,158	1,216	1,206	1,157	-	✓	Central Register of Foreigners
	Education I (Section 16 of the Residence Act)	2,174	1,651	1,590	1,572	-	✓	Central Register of Foreigners
	Education II (Section 17 of the Residence Act)	435	430	491	691	-	✓	Central Register of Foreigners
	Victim of human trafficking (Section 25 subs. 4a and 4b of the Residence Act)	0	0	0	•	-	✓	Central Register of Foreigners
Business owner (Section 21 subs. 1 – 4 of the Residence Act)	Family reasons (Sections 27 – 36 of the Residence Act)	102	48	40	39	-	✓	Central Register of Foreigners
	Education I (Section 16 of the Residence Act)	12	3	•	3	-	✓	Central Register of Foreigners
	Education II (Section 17 of the Residence Act)	•	•	•	0	-	✓	Central Register of Foreigners
	Victim of human trafficking (Section 25 subs. 4a and 4b of the Residence Act)	0	0	0	0	-	✓	Central Register of Foreigners
Self-employed (Section 21 subs. 5 of the Residence Act)	Family reasons (Sections 27 – 36 of the Residence Act)	98	76	102	122	-	✓	Central Register of Foreigners
	Education I (Section 16 of the Residence Act)	15	25	29	16	-	✓	Central Register of Foreigners
	Education II (Section 17 of the Residence Act)	•	5	3	•	-	✓	Central Register of Foreigners
	Victim of human trafficking (Section 25 subs. 4a and 4b of the Residence Act)	0	0	0	0	-	✓	Central Register of Foreigners

Numbers marked • are unknown or to be kept secret, as they are below the minimum value of 3

* The EU Blue Card was not introduced as a separate residence title until 2012, which is why there are no data for 2011.

** A change of status from Sec. 16 to Sec. 18c of the Residence Act is not permitted, which is why the latter was not taken into account.

*** Section 18a of the Residence Act sets out the conditions for granting a residence permit for the purpose of employment to qualified foreigners whose deportation has been suspended. This also applies to highly qualified persons whose deportation has been suspended who have obtained a university degree in Germany or abroad and are therefore, strictly speaking, highly qualified employees. Since it is impossible to distinguish clearly between these two groups in practice, qualified and highly qualified persons whose deportation has been suspended both put in the category “employee”.

Source: Central Register of Foreigners, data as of 31 December of the relevant year, based on the annual figures to changes of status provided to Eurostat (see Table 11). It was impossible to collect the changes of status in retrospect from the Central Register of Foreigners, which is why we relied on the Eurostat data and the underlying dataset. However, changes of status within the overarching categories *family reasons (red)*, *education (purple)* and *employment (green)* were not found and are therefore not displayed in Table 12. At least for changes of status within the employment category selected data on such changes were found in the annual Migration Monitoring of the Federal Office for Migration and Refugees since 2012. These figures are shown separately in Table 13, as the date for the migration monitoring (31 March) differs from that of the data provided to Eurostat (31 December), which results in some cases in minor deviations due to late registrations of the responsible authorities.

Table 13: Change from Section 18 of the Residence Act into another status for the purpose of employment (2014)

From	Current residence title	2012	2013	2014
Section 18 subs. 3, Section 18 subs. 4 and old version of Section 18 of the Residence Act	into Section 18b of the Residence Act (settlement permit for graduates of German universities)	720	2,436	2,251
	into Section 18c of the Residence Act (residence permit for the purpose of seeking a job)	7	26	42
	into Section 19 of the Residence Act (settlement permit for highly qualified foreigners) total	425	81	56
	into Section 19a subs. 6 of the Residence Act (settlement permit for EU Blue Card holders)	147	504	518
	into Section 19a of the Residence Act in conjunction with Section 2 of the Ordinance on Employment (EU Blue Card)	1,645	3,360	2,196
	into Section 20 of the Residence Act (research)	76	53	46
	into Section 21 subs. 1, 2 and 2a of the Residence Act (self-employment)	33	57	48
	into Section 21 subs. 4 of the Residence Act (settlement permit after 3 years of self-employment)	3	3	4
	into Section 21 subs. 5 of the Residence Act (self-employed professional)	150	200	193
	Total	3,368	7,236	5,354

Source: Migration Monitoring (Rühl/Schmidt 2015: 24; BAMF 2014b: 17, BAMF 2013: 18) on the basis of the Central Register of Foreigners, data as of 31 March 2015.

7 Bibliography

BA – Bundesagentur für Arbeit (2013): Durchführungsanweisung zur Beschäftigungsverordnung, August 2013. Nürnberg: BA.

BA – Bundesagentur für Arbeit (2015a): Merkblatt – Beschäftigung ausländischer Arbeitnehmerinnen und Arbeitnehmer in Deutschland. Fragen, Antworten sowie Tipps für Arbeitnehmer und Arbeitgeber, Nürnberg: Bundesagentur für Arbeit.

BA – Bundesagentur für Arbeit (2015b): Potenziale nutzen – geflüchtete Menschen beschäftigen. Informationen für Arbeitgeber. Nürnberg: Bundesagentur für Arbeit.

BAMF – Bundesamt für Migration und Flüchtlinge (2013): Wanderungsmonitoring: Migration nach Deutschland. Jahresbericht 2012, Nürnberg: BAMF.

BAMF – Bundesamt für Migration und Flüchtlinge (2014a): Rechtsfolgen der Entscheidung. Online: <http://www.bamf.de/DE/Migration/AsylFluechtlinge/Asylverfahren/Rechtsfolgen/rechtsfolgen-node.html> (11.11.2015)

BAMF – Bundesamt für Migration und Flüchtlinge (2014b): Wanderungsmonitoring: Migration nach Deutschland. Jahresbericht 2013, Nürnberg: BAMF.

BAMF – Bundesamt für Migration und Flüchtlinge (2015a): Aufenthalt in Deutschland. Online: <http://www.bamf.de/DE/Willkommen/Aufenthalt/WichtigeInformationen/wichtigeinformationen-node.html> (11.10.2015).

BAMF – Bundesamt für Migration und Flüchtlinge (2015b): Zugang zum Arbeitsmarkt für geflüchtete Menschen, Stand: Juni 2015, Nürnberg: BAMF. Online: https://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Asyl/faq-arbeitsmarktzugang-gefluechtete-menschen.pdf?__blob=publicationFile (03.11.2015).

Behörde für Inneres und Sport Hamburg – Referat Grundsatzfragen des Ausländer- und Staatsangehörigkeitsrechts (2014): Informationen für internationale Studierende. Visum, Aufenthaltserlaubnis und Arbeitserlaubnis vor, während und nach dem Studium, Hamburg: Behörde für Inneres und Sport.

BMAS – Bundesministerium für Arbeit und Soziales (2015): Fortschrittsbericht 2014 zum Fachkräftekonzept der Bundesregierung, Berlin: BMAS.

BMBF – Bundesministerium für Bildung und Forschung (2015a): Modernes BAföG für eine gute Ausbildung. Pressemitteilung vom 12.08.2015, Online: <https://www.bmbf.de/de/modernes-bafoeg-fuer-eine-gute-ausbildung-1688.html> (09.11.2015).

BMBF – Bundesministerium für Bildung und Forschung (2015b): Schnellere BAföG-Unterstützung für Flüchtlinge. Pressemitteilung vom 21.08.2015, Online: <https://www.bmbf.de/de/schnellere-bafoeg-unterstuetzung-fuer-fluechtlinge-1170.html> (09.11.2015).

BMWi – Bundesministerium für Wirtschaft und Energie (2014): Wirkungsanalyse des rechtlichen Rahmens für ausländische Fachkräfte Studie im Auftrag des Bundesministeriums für Wirtschaft und Energie, Berlin: BMWi.

Bundesregierung (2014): Bundesrat stimmt Novelle zu. BAföG steigt 2016 um sieben Prozent, Pressemitteilung vom 19.12.2014, Online: <https://www.bundesregierung.de/Content/DE/Artikel/2014/07/2014-07-21-bafoeg-reform.html> (17.10.2015).

DAAD – Deutscher Akademischer Austauschdienst (2015): Karriere nach dem Studium, Online: <https://www.daad.de/deutschland/in-deutschland/arbeit/de/12362-karriere-nach-dem-studium/> (17.10.2015).

DGB – Deutscher Gewerkschaftsbund (2015): Flucht. Asyl. Menschenwürde. DGB-Handreichung, Berlin: DGB.

DIHK – Deutscher Industrie- und Handelskammertag (2015): Wirtschaft plädiert für solidarische Asylpolitik in Europa. BDA, BDI, DIHK und ZDH veröffentlichen gemeinsame Erklärung, Online: <http://www.dihk.de/presse/meldungen/2015-09-14-spitzenverbaende-fluechtlingeaeach-muenchen> (27.10.2015).

Eurostat (2015): Trafficking in human beings, Luxembourg: Office of the European Union.

Flüchtlingsrat Baden-Württemberg (2015): Ein wenig Licht und jede Menge Schatten. Gesetz zur Neubestimmung des Bleiberechts und der Aufenthaltsbeendigung in Kraft. Pressemitteilung vom 04.08.2015, Online: <http://fluechtlingsrat-bw.de/informationen-ansicht/ein-wenig-licht-und-jede-menge-schatten.html> (17.10.2015).

Frings, Dorothee (2008): Sozialrecht für Zuwanderer, Baden-Baden: Nomos.

GGUA Flüchtlingshilfe – Gemeinnützige Gesellschaft zur Unterstützung Asylsuchender e. V. (2014a): Arbeitsmarktzugang für Flüchtlinge mit Duldung und Aufenthaltsgestattung: Erleichterungen gelten seit November 2014, Online: http://ggua.de/fileadmin/downloads/tabellen_und_uebersichten/arbeitsmarktzugang20142.pdf (17.10.2015).

GGUA Flüchtlingshilfe – Gemeinnützige Gesellschaft zur Unterstützung Asylsuchender e. V. (2014b): Arbeitsmarktzugang für Flüchtlinge mit Duldung und Aufenthaltsgestattung: Erleichterungen gelten seit November 2014, Münster: GGUA. Online: http://ggua.de/fileadmin/downloads/tabellen_und_uebersichten/arbeitsmarktzugang20142.pdf (03.11.2015).

Gillmann, Barbara/Specht, Frank (2015): Die stille Reserve, in: Handelsblatt vom 09. April 2015, S. 8.

Hanganu, Elisa /Kolland, Laura/Neske, Matthias (2015): Arbeitsmarktintegration von Asylbewerberinnen und Asylbewerbern – Hintergrund und Erfahrungen. In Pfeffer-Hoffmann, Christian (Hrsg.): Profile der Neueinwanderung – Differenzierungen in einer emergenten Realität der Flüchtlings- und Arbeitsmigration, Berlin: Mensch & Buch Verlag.

Hanganu, Elisa / Heß, Barbara (2014): Beschäftigung ausländischer Absolventen deutscher Hochschulen. Ergebnisse der BAMF-Absolventenstudie 2013. Forschungsbericht 23, Nürnberg: BAMF.

Kluth, Winfried/Heusch, Andreas (2015). § 9 Aufenthaltsgesetz, in: Dies. (Hrsg.): Besck'scher Online-Kommentar Ausländerrecht, Stand: 01.05.2015, München: Verlag C.H.Beck.

KOK – Bundesweiter Koordinierungskreis gegen Menschenhandel e. V. (2015): Auswirkungen des AufentG auf Opfer von Menschenhandel, Online: <http://www.kok-gegen-menschenhandel.de/menschenhandel/in-die-sexuelle-ausbeutung/rechtsgrundlagen-brd/aufenthaltsgesetz.html> (17.10.2015).

Koppel, Oliver (2015): Szenariomodell Ingenieurarbeitsmarkt. Die künftige Entwicklung von Arbeitskräfteangebot und -nachfrage bis zum Jahr 2029. Studie für den Verein Deutscher Ingenieure e.V., Köln: IW Köln.

Kreienbrink, Axel (Hrsg.) (2014): Fachkräftemigration aus Asien nach Deutschland und Europa – Migration of skilled labour from Asia to Germany an Europe. Beiträge zu Migration und Integration, Band 5, Nürnberg: BAMF.

Landesamt für Bürger- und Ordnungsangelegenheiten, Ausländerbehörde Berlin (2015): VAB - Verfahrenshinweise der Ausländerbehörde Berlin, Online: <https://www.berlin.de/formularserver/formular.php?157323> (17.10.2015).

Mayer, Matthias M./Yamamura, Sakura/Schneider, Jan/Müller, Andreas (2012): Zuwanderung von internationalen Studierenden aus Drittstaaten. Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN). Working Paper 47, Nürnberg: BAMF.

Müller, Andreas/Mayer, M. Matthias/Bauer, Nadine (2014): Soziale Absicherung von Drittstaatsangehörigen in Deutschland. Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN). Working Paper 57, Nürnberg: BAMF.

Netzwerk Bleiberecht Stuttgart-Tübingen-Pforzheim (2014): Wie bekomme ich eine Arbeitserlaubnis? Die Voraussetzungen und das Verfahren. Informationen für Flüchtlinge mit Aufenthaltsgestattung und Duldung, Online: <http://fluechtlingsrat-bw.de/files/Dateien/Dokumente/Materialbestellung/2014-12-flyer%20arbeitserlaubnis%20WEB.pdf> (17.10.2015).

Parusel, Bernd/Schneider, Jan (2012): Visumpolitik als Migrationskanal. Die Auswirkungen der Visumvergabe auf die Steuerung der Zuwanderung. Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN). Working Paper 40, Nürnberg: BAMF.

Rühl, Stefan/Schmidt, Hans-Jürgen (2015): Wanderungsmonitoring: Erwerbsmigration nach Deutschland. Jahresbericht 2014. Nürnberg: BAMF.

Sächsisches Staatsministerium des Innern (o. A.): Informationsblatt – Aufenthaltstitel für Hochschulabsolventen, Online: https://www.ausland.hs-mittweida.de/index.php?eID=tx_nawsecuredl&u=0&g=0&t=1445348945&hash=7715b1c5fe052de1b32e6a25534a7da5b85d35a6&file=fileadmin/verzeichnisfreigaben/ausland/dokumente/Aufenthaltserlaubnis_fuer_Absolventen.pdf (17.10.2015).

Tollenaere, Marius (2014): Konzernintern entsandte qualifizierte Fachkräfte aus Asien in Deutschland: Eine vernachlässigte Einwanderungskategorie mit großem Potenzial. In: Kreienbrink, Axel (Hrsg.): Fachkräftemigration aus Asien nach Deutschland und Europa – Migration of skilled labour from Asia to Germany and Europe. Beiträge zu Migration und Integration, Band 5, Nürnberg: BAMF, S. 238-262.

Vollmer, Michael (2015a): Mobilitätsbestimmungen für Investoren, Selbständige und sonstige Wirtschaftsvertreter in Deutschland. Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN). Working Paper 61, Nürnberg: BAMF.

Vollmer, Michael (2015b): Bestimmung von Fachkräfteengpässen und Fachkräftebedarfen in Deutschland. Fokus-Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN). Working Paper 64, Nürnberg: BAMF.

List of abbreviations

AP	Associated Press
Art.	Article
AsylbLG	Asylum-Seekers' Benefits Act (Asylbewerberleistungsgesetz)
AsylVfG	Asylum Procedure Act (Asylverfahrensgesetz)
AufenthG	German Residence Act (Aufenthaltsgesetz)
AufenthV	Ordinance Governing Residence
AÜG	Act on Temporary Employment Businesses (Arbeitnehmerüberlassungsgesetz)
AuswErlV	Act to Protect Emigrants in conjunction with the Ordinance on Emigrant Counselling Permits (Auswandererberatungserlaubnisverordnung)
AuswSG	Act to Protect Emigrants (Gesetz zum Schutze der Auswanderer und Auswanderinnen)
AVwV	General Administrative Regulation (Allgemeine Verwaltungsvorschrift)
AZ	Document number
AZR	Central Register of Foreigners (Ausländerzentralregister)
BAföG	Federal Training Assistance Act (Bundesausbildungsförderungsgesetz)
BAMF	Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge)
BeschV	Ordinance on Employment (Beschäftigungsverordnung)
BMAS	Federal Ministry for Labour and Social Affairs (Bundesministerium für Arbeit und Soziales)
BMI	Federal Ministry of the Interior (Bundesministerium des Innern)
BMZ	Federal Ministry for Economic Cooperation and Development (Bundesministerium für Wirtschaftliche Zusammenarbeit und Entwicklung)
BPOL	Federal Police (Bundespolizei)
EG	European Community
EMN	European Migration Network
ESF	European Social Fund
EU	European Union
EuGH	European Court of Justice (Europäischer Gerichtshof)
FamFG	Act on Procedure in Family Matters and Non-Contentious Matters (Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit)
FreizügG/EU	Act on the General Freedom of Movement for EU Citizens (Gesetz über die allgemeine Freizügigkeit von Unionsbürgern)
GG	Basic Law for the Federal Republic of Germany (Grundgesetz für die Bundesrepublik Deutschland)
Hg.	Published by (Herausgeber)
i. c. w.	in conjunction with
IOM	International Organization for Migration
KOM	European Commission
NGO/NRO	Non-Governmental Organization
o. O.	no place of publication given
RL	Directive
RN	marginal number
SchwarzArbG	Act to Combat Clandestine Employment (Schwarzarbeitsbekämpfungsgesetzes)
SGB	German Social Code (Sozialgesetzbuch)
SGK	Schengen Borders Code (Schengener Grenzkodex)
StVollzG	Act Concerning the Execution of Prison Sentences (Strafvollzugsgesetz)
VAB	Procedural guidelines by the foreigners authority of Berlin (Verfahrenshinweise der Ausländerbehörde Berlin)
VO	Regulation
VwV	Administrative Regulation (Verwaltungsvorschrift)
ZAV	International Placement Services (Zentralen Auslands- und Fachvermittlung)

List of tables

Table 1:	Third-country nationals, who were issued with a residence permit, a Blue Card or a settlement permit in 2014 (by purpose of stay and entry)	23
Table 2:	Legal possibilities to change the residence title.....	26
Table 3:	Legal basis and granting prerequisites for status changes.....	31
Table 4:	Enhanced or reduced rights when changing the status	35
Table 5:	Time limitation for residence titles and purposes of stay	72
Table 6:	First instance and subsequent applications for asylum in Germany (2010-2014)	81
Table 7:	Third-country nationals holding a valid residence permit by purpose of stay (2010-2014).....	81
Table 8:	Number of issued EU Blue Cards in Germany (2012-2014).....	81
Table 9:	Number of granted residence and settlement permits for the purpose of qualified or highly qualified employment (2010-2014)	82
Table 10:	Number of issued residence permits for victims of trafficking (2010-2012)	82
Table 11:	Status changes between selected purposes of stay: family reasons, education and employment (2010-2014)	82
Table 12:	Status changes in detail (2010-2014).....	83
Table 13:	Change from Section 18 of the Residence Act into another status for the purpose of employment (2014).....	86

Imprint

Published by:

Federal Office for Migration and Refugees (BAMF)
German National EMN Contact Point and Research Centre of the Federal Office
90461 Nuremberg

Overall responsibility:

Dr. Axel Kreienbrink (Research Centre)
Birgit Gößmann (National EMN Contact Point)

Source of supply:

Bundesamt für Migration und Flüchtlinge
Referat 230
Frankenstraße 210
90461 Nürnberg
www.emn-germany.de
E-Mail: emn@bamf.de

Editor:

Janne Grote
Dr. Michael Vollmer

Date:

October 2015

Picture credits:

BAMF | Lena Thiem

Suggested citation:

BAMF/EMN (2016): Support Measures for Beneficiaries of Protection. Promoting their Integration into the Labour Market. Focus-Study by the German National Contact Point for the European Migration Network (EMN). Working Paper 66 of the Research Centre of the Federal Office. Nuremberg: Federal Office for Migration and Refugees.

ISSN:

1865-4770 Printversion

ISSN:

1865-4967 Internetversion

The reproduction and distribution for free of the complete text or parts of it are permitted for non-commercial purposes, provided that the source is quoted. Prior consent of the Federal Office is required for distribution of the complete text or parts of it via electronic systems or data carriers. All other rights reserved.

